

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 7, 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. Jessie led the group in prayer. Mr. Culley led the Pledge of Allegiance.

CONSENT AGENDA

The motion to approve the August 3rd and August 17th minutes as written and disbursements was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously. Disbursements numbered 68325 through 68405 totaling \$136,250.67 were disbursed as approved.

CONSTITUTIONAL OFFICERS

[Treasurer, Commissioner of Revenue, Sheriff](#)

Mrs. Bray, representing the Treasurer's Office, reported that real estate and personal property bills would be going out October 1.

Sheriff Abbott reported that there had been two rapes in the county over the weekend, with one arrest. Mr. Jessie thanked the Sheriff for setting up radar over the holiday weekend. Mr. Revere thanked the Sheriff for his participation with hurricane preparation. The motion to approve the following appropriation request was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-23020-0048, Sheriff Reimbursement, \$177.24, TO: 4-1-31020-5401, Supplies, \$172.40 and 4-1-31020-8001, Lease/Rent of Equipment, \$4.84. The motion to approve the following appropriation was made by Mr. Jessie, seconded by Mr. Revere and carried unanimously: FROM: 3-1-23020-0050, Live Scan, \$268.00 and 3-1-23020-0048, Sheriff's Reimbursement, \$5.62 TO: 4-1-31020-5412, Live Scan, \$268.00 and 4-1-31020-8001, Lease/Rent of Equipment, \$5.62.

HIGHWAY MATTERS

Assistant Resident Administrator, Joyce McGowan, was present to represent the Highway Department.

Mowing: secondary roads are being cut; primary road site distances have been cut with a full cut scheduled after the week of September 22.

Board Comment: Mr. Crittenden requested the State work to better control the Johnson Grass. It was suggested that a “stop ahead” sign be placed at each end of Route 630. Mr. Revere requested remarking or some additional signage at the westbound approach from Route 33 to Regent Road. It was requested that the site distances in the area of Payne’s Store be cut.

SCHOOL MATTERS

Mr. Fairheart reported that the system is fully staffed and the school population is at 1215. On October 11th and 12th, Middlesex will be hosting a state golf tournament and it may be necessary to use some of the monies in the Virginia School League activities fund. Mr. Crittenden made a motion to approve the use of the \$2,850 in the fund. This motion was later withdrawn, after Mr. Fairheart noted that it might not be necessary to request that much.

Appropriations:

The motion to approve the following appropriations was made by Mr. Mansfield seconded by Mr. Jessie and carried unanimously:

FROM: 3-071-041040-5000, VPSA Technology Grant, \$82,318.00; TO: 4-071-068201-8301-900, Hardware Replacement – Prior Year, \$82,318.00 Appropriate remaining Series X VPSA Technology Grant funds into the 2010/11 budget.

FROM: 3-073-041060-0001, Beginning Fund Balance, \$266,355.24; TO: 4-073-061100-6020-200-100, Textbooks – Elementary, \$133,177.62 and 4-073-061100-6020-310-100, Textbooks – Secondary, \$133,177.62. Appropriate balance of textbook funds remaining at the close of the 09/10 school year into 2010/2011.

FROM: 3-071-038431-0008, Title II Part D, \$1,922.04; TO: 4-071-068201-5500-900, Title II Part D Training, \$1,922.04. Appropriate balance of Title II Part D funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-018991-0001, Insurance Recoveries, \$3,594.63; TO: 4-071-063200-3000-900, Purchased Services, \$3,594.63. Appropriate funds received from insurance company to cover damage to school bus.

Additional appropriations were approved later in the meeting.

Mr. Jessie expressed a thank you for having Dr. Clements speak at convocation.

DELTAVILLE MARITIME MUSEUM

Mr. Soberick pointed out proposed revisions to the amended lease for the Deltaville Maritime Museum, in particular: (1) changing the term to 50 years and allowing one additional 50 year term to be included; (2) spelling out the policy regarding alcoholic beverages; and (3) only requiring notification to the Board for any changes or improvements to the property which require a permit (currently any changes, whether a permit is required or not, shall receive the Board's approval).

Mr. Jessie and Mr. Crittenden argued in favor of reducing the terms to 25 years; Mr. Miller agreed. Mr. Revere argued that the group is looking for permanence for gift purposes. He noted that it does not matter who is on the Board of Supervisors, there is language in the lease to address non-compliance.

Robert Kates, President, commented that those making bequests want to know that the facility will be there for the long term and suggested that the Board needed to be brave enough to make a commitment to the future.

The motion to approve the revisions to the lease, however, changing the term length to 25 years with the option to renew for 25 more, was made by Mr. Crittenden, seconded by Mr. Jessie and carried by a vote of three (3) in favor (Crittenden, Jessie and Miller) to two (2) opposed (Revere and Mansfield).

YMCA

Mr. Buzz Lambert, Branch Executive of the YMCA, was present to request the Board approval for them to remove the existing flat roof and replace it with a new hip roof on their Program Center, the former original section of Wilton Elementary School. There would be no cost to the County and the roof line would mirror the roof of the newer building. The motion to approve the request was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously.

MP – NN COMMUNITY SERVICES BOARD

Chuck Walsh, Executive Director of the MP-NN Community Services Board, thanked the Board for their continued support of the CSB services. The motion to approve the performance contract for FY 2011 was made by Mr. Crittenden, seconded by Mr. Revere and carried unanimously:

RESOLUTION
APPROVAL OF PERFORMANCE CONTRACT

WHEREAS, §37.1-19 OF THE *Code of Virginia* [1950] as amended, requires each Community Services Board to submit, to the governing body of each political subdivision that established it, an annual performance contract for community mental health, mental retardation and substance abuse services for its approval prior to submission of the contract to the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services, and

WHEREAS, the Middle Peninsula – Northern Neck Community Services Board has put forward its proposed Performance Contract for Fiscal Year 2010 and also a request for an extension in its line of credit for approval by the Boards of Supervisors of its governing counties of Essex, Gloucester King and Queen, King William, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland;

NOW, THEREFORE, BE IT RESOLVED BY THE Board of Supervisors of Middlesex County, Virginia, that the Performance Contract prepared by the Middle Peninsula-Northern Neck Community Services Board for Fiscal Year 2011 and presented to the Board along with the additional request to extend its line of credit is hereby approved and may be forwarded to the Department of Mental Health, Mental Retardation and Substance Abuse Services as further required.

LIBRARY BOARD

Carolyn Schott, President of the Library Board, presented a request that Middlesex County become the fiscal agent for the Middlesex County Public Library. Under this arrangement, the Library would be set up as a separate agency with its money kept in separate accounts from the County checking accounts. Two people from the County would be authorized to sign checks. Bills to be paid would be brought to the County office as necessary. This arrangement would be beneficial to the library since their current bookkeeper resigned as of September 1, and would save them from having to hire a replacement. It was noted that \$4,000.00 had been allocated for a bookkeeper, however, between two months paid for her services and a transfer audit, approximately \$2,800 of this can be saved.

Mr. Revere questioned the cost savings for a reduction in hours at Deltaville. According to Mrs. Schott, closing of the Urbanna branch on Tuesday morning and Deltaville on Thursdays will save approximately \$13 - \$14,000.00. Because Urbanna has the main branch, it must remain open a greater portion of time in order to qualify for state funding. Board members also questioned how surrounding counties handle their library services. Lancaster Library has its own tax exempt status and an endowment that helps keep it running; Mathews Library is a county department.

The motion to accept the request for the County and Betty Bray, Treasurer, to act as the fiscal agent was made by Mr. Mansfield, seconded by Mr. Jessie and carried unanimously.

CORRECTIVE ACTION

Jenny Johnson from Joyce Engineering was present to discuss the latest information from the Department of Environment Quality (DEQ) relating to corrective action at the landfill. In 2004, the County was assessed a blanket review fee of \$22,800.00 for plan amendments. Delegate Morgan intervened on the Board's behalf and advised that the fee would not apply to local government landfills. In October 2008, the County was billed again, at which time the Board refused payment and asked Delegate Morgan to again intervene.

The County and Joyce Engineering have been filing the proper reports and amendment plans for dealing with some of the contaminants; however, DEQ is in need of enforcing their requirement for payment of the fee. It was Mrs. Johnson's opinion that DEQ is looking at the filing of a consent order as a way for the County to implement the Corrective Action Plan without having to pay the required fee. DEQ has issued consent orders to other counties to resolve certain violations. DEQ can draft a consent order that is specific to Middlesex County and if the County does not wish to sign, the option to pay the fee is still available. Mr. Culley noted that there is a concern that where in the past there has been some negotiating room between the engineer and DEQ, there may not be with the consent order. Examples of consent orders for other counties provided by Mrs. Johnson give DEQ the ability to assess civil fines, so Mrs. Johnson cautioned that the Board may wish to be more involved with future plans. It was Mrs. Johnson's recommendation that the Board ask DEQ to prepare a consent order for review, however, she cautioned that the Board needed to think carefully about signing it, because it would be a document enforceable for at least the next 20 years. The motion to ask DEQ to draft a consent order was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously.

AIRPORT MATTERS

Lease Agreement: The motion to enter a lease agreement with Evelyn Lawson for use of her property for the Wings and Wheels event was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. The cost to rent the property for a two week period was \$400.00.

Master Agreement: The motion to accept the Master Agreement proposed by the Department of Aviation, to be referenced in later grant agreements, was made by Mr. Mansfield, seconded by Mr. Revere and carried unanimously.

GOLF CART REQUEST

The Kilmer's Point Homeowners Association have petitioned the Board to allow the use of golf carts within their subdivision. Mr. Soberick will draft an ordinance for consideration. A public hearing is required.

RABIES CLINIC

The motion authorizing the annual rabies clinic for October 30th at a fee of \$8.00 per dog and \$15.00 per cat was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously.

STATE FUNDING REDUCTIONS

Mr. Culley reported that the State has sent notice of State program and reduction amounts for FY 2011. Last year the Board required those departments effected to reduce their expenditures to match the reductions. The reductions for this year were already anticipated and have been made in the projection of State revenue. The Board's approval of the noted reductions, totaling \$69,653.00 was made by Mr. Jessie, seconded by Mr. Mansfield and carried unanimously.

APPOINTMENTS

The motion to recommend Robert Tassone for the position on the Board of Zoning Appeals previously held by John McKone was made by Mr. Revere, seconded by Mr. Crittenden and carried unanimously. This position expires April 30, 2014.

No action was taken on the request for an appointment to the Disability Services Board.

COMMITTEE REPORTS

Mr. Mansfield: No report

Mr. Revere: The Planning District Commission did not meet.

Mr. Crittenden: The Jail Board has approved recommendations presented by the Superintendent.

Mr. Jessie: The Oyster Festival Foundation will have their annual reception on October 21st at 6:00 p.m. with samples of oysters from the Rappahannock River Oyster Company.

Mr. Miller: attended a meeting regarding Bay regulations hosted by Congressman Wittman. Mr. Miller also attended a meeting of the Virginia Association of Counties Board of Directors who have expressed concern with Lt. Governor Bill Bolling's Commission of 62 members, none of which is a local government official.

WASTE WATER TREATMENT OPTION

Mr. Walker and Mr. Culley made a presentation on a recent trip made to Charles City to view their drip irrigation system. Anish Jantrania, PhD., P.E., NCS Wastewater Solutions, the engineer who worked on the Charles City project, was also present to answer questions. Mr. Mansfield noted that the cost of operating a modular drip plant was less than half the cost of a conventional system.

OLD/NEW BUSINESS

Probate Ordinance: Board members agreed not to proceed with any action on an ordinance suggested by the Circuit Court Clerk for probate of wills.

School Appropriations: The motion to approve the following additional school appropriations was made by Mr. Revere, seconded by Mr. Mansfield and carried unanimously:

FROM: 3-071-038438-9000, Title I – ARRA, \$102,874.78, TO: 4-071-061100-miscellaneous lines totaling \$102,874.78. Appropriate balance of Title I – ARRA funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-038401-1000, Title I, \$81,943.25, TO: 4-071-061100-miscellaneous lines totaling \$81,943.25. Appropriate balance of Title I funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-038402-7000, IDEA Part B, \$1,257.32 TO: 4-071-061100-3000-200-500, Purchased Services, \$1,257.32. Appropriate balance of IDEA Part B funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-038439-1000, Title I, \$177,666.84, TO: 4-071-061100-miscellaneous lines totaling \$177,666.84. Appropriate balance of IDEA Part B – ARRA grant funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-038436-7000, Title II Part A \$34,973.47, TO: 4-071-061100-miscellaneous lines totaling \$34,973.47. Appropriate balance of Title II Part A funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-038400-2000, Adult Education, \$5,728.66, TO: 4-071-061100-miscellaneous lines totaling \$5,728.66 Appropriate balance of Adult Education funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-071-019010-0030, Adult Education - Local, \$5,337.19, TO: 4-071-061100-1150-900-704 \$5,337.19 Appropriate balance of Adult Education Consortium funds remaining at the close of the 09/10 school year into 10/11.

FROM: 3-072-041060-0001, School Food – Beginning Balance, \$69,381.74, TO: 4-072-065100-6002-900, Food Supply Purchases, \$69,381.74. Appropriate school food carryover balance from 09/10 into school year 10/11.

Reassessment: Mr. Culley advised that Essex County is considering whether or not they wish to wait a year for their general reassessment, however, he was going to push to have the project put out for proposals so that work could begin in Middlesex.

Resolution: Mr. Jessie will deliver the following resolution to Ms. Dorothy Norwood, when she performs at Lebanon Baptist Church:

**RESOLUTION
DOROTHY NORWOOD**

WHEREAS, Dorothy Norwood has been an immense part of gospel music in her over 46 year career; and

WHEREAS, Dorothy Norwood is affectionately known as “The Worlds Greatest Storyteller”; and

WHEREAS, Dorothy Norwood has used music to spread the gospel message through live concerts and over 40 albums; and

WHEREAS, Dorothy Norwood has been the recipient of the Soul Train Lady of Soul Award, Stellar and Grammy Award nominations;

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors hereby recognizes the contributions of Dorothy Norwood as a trailblazer in the gospel music field; and

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors and the citizens of Middlesex County express their sincere appreciation and heartfelt thanks to Dorothy Norwood for her inspirational performance at Lebanon Baptist Church on September 11, 2010.

VACo Endorsement: The motion to endorse Mr. Miller as a candidate for Second Vice President of the Virginia Association of Counties was made by Mr. Mansfield, seconded by Mr. Crittenden and carried unanimously:

**RESOLUTION TO ENDORSE
JOHN D. (JACK) MILLER, JR.
FOR THE POSITION OF SECOND VICE PRESIDENT
OF THE VIRGINIA ASSOCIATION OF COUNTIES**

WHEREAS, John D. Miller, Jr. has served on the Middlesex County Board of Supervisors for 15 years, since 1996; and

WHEREAS, as Supervisor, Mr. Miller has represented the Middlesex County Board of Supervisors on many committees, including the Planning Commission, Planning District Commission, Dragon Run Steering Committee, Library Board, Community Criminal Justice Board, Disability Services Board, Legislative Liaison, Community Services Board; and

WHEREAS, Mr. Miller has also served many roles with the Virginia Association of Counties, including Region 2 Director, Chairman of the Environment and Agriculture Committee, Resolution Committee, and Secretary/Treasurer; and

WHEREAS, the leadership and service of Mr. Miller have shown his commitment and dedication to public service;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County formally endorses the candidacy of John D. (Jack) Miller, Jr. for the position of Second Vice President of the Virginia Association of Counties.

PUBLIC COMMENT

Monica Sanders invited Board members to attend the September 16th meeting of the Middlesex Tea Party Patriots to hear a presentation by Corey Stewart, Chairman of the Prince William County Board of Supervisors, entitled "Immigration Resolution and its Economic Impact".

Mrs. Sanders also encouraged the Board and planning staff to be aware of and oppose the United Nations program known as Agenda 21.

ADJOURN

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

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