

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 17, 1998, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
Lenora O. Weber, Saluda District
John D. Miller, Jr., Saluda District

Charles M. Culley, Jr., County Administrator
Tim Wilson, Planning Director
Michael Soberick, County Attorney

Absent: Frank Jessie, Jamaica District

CALL TO ORDER

The Chairman, Mr. Crittenden, called the meeting to order at 7:30 p.m. in the Board Room and opened with a prayer.

SECONDARY SIX YEAR PLAN FY 99/00 – FY 04/05

Mr. Bill Sullivan, Resident Engineer, Virginia Department of Transportation, presented the proposed secondary six-year plan for Middlesex County, a budget totaling approximately \$580,680 for FY 2000. The 99-00 budget includes \$74,000 for incidental items (rural additions, drain pipes, preliminary engineering studies, fertilizer and seed and subdivision and site plan reviews.); \$22,000 of this is proposed for the Rural Additional Fund. Paved road improvements are budgeted \$358,689; \$147,991 is budgeted for unpaved road improvements.

Mr. Sullivan presented the projects proposed for paved and unpaved road improvements. Paved projects, listed in order of priority include: Route 636, Route 631, Route 630 and Route 637. Unpaved projects, listed in order of priority were: Route 648 (first phase), Route 648, (second phase), and Route 604. It is proposed that the first and second phase of Route 648 improvements be advertised together in March 1999, with an expected completion date of March 2000.

Mr. Sullivan presented suggested guidelines to those wishing to speak and opened the joint public hearing for comments:

- Tom Tokarz (Rt. 604): Requested an increase in the distance of improvements currently listed as priority 3 for construction.
- Carl Bomer (Rt. 648):
- No name: questioned procedures for moving projects up in priority listing. Mr. Sullivan explained the law passed by the General Assembly, which allows the resident engineer the ability to accept a road into the State system with less than a 40-foot right of way.
- Tom Tokarz (Rt. 648): first section of Rt. 648 (.59 miles) listed as priority 3 does not have a full 40-foot right of way; the next section does. Can it be moved ahead of the first section? Mr. Sullivan explained that to pave a road, it must be connecting to a paved road.
- Pete Tokarz (Rt.648): requested any assistance to prevent wash-boarding. Mr. Sullivan indicated his plan to grade the road while it is wet.
- Mr. Schrader (Rt. 648): questioned how far the proposed paving would go on Rt. 648. According to Sullivan, it will go to within 200-300 feet of the end.

- Susie Kellar (Rt. 648): thanked VDOT and Board; questioned improvements to the marsh area. According to Sullivan, the pavement on the causeway may be a little higher, but this area will still be prone to flooding; there were not enough funds available to re-build the bridge.
- Don Shaw (Rt. 648): noted that special attention should be paid to a curved area north of the causeway, which is very slippery when wet because of the type of soil.
- Helen Roark (Rt. 648): questioned improving drainage of the marsh. Sullivan noted that VDOT will try to keep the drainage pipes open.
- Bobby Weeks: special thanks to Brown Croxton, of the VDOT maintenance department for maintenance of road.
- Letter from Robert & Mary Jo Lux (Rt. 648): favored paving of Rt. 648.

There being no further public comments, the public portion of the hearing was closed. It was suggested that the listing could be amended, increasing the distance on the Rt. 604 project to take it to the end. The motion to amend the listing, increasing the distance of the Rt. 604 project, approving the other priorities as presented, and approving the proposed budget, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING – PROPOSED EXEMPTION OF REAL ESTATE TAXES FOR THE MIDDLESEX COUNTY MUSEUM, INC.

Mr. Crittenden opened the public hearing for comments regarding a request from the Middlesex County Museum, Inc., to be exempt from local real estate taxes. According to State Code, final approval of the request must be granted by the General Assembly. Properties requesting exemption from taxation are listed as tax map 26B-1-81A and 26B-1-81, with a total tax due for 1998-99 of \$422.90. There being no comments, the public portion of the hearing was closed.

Discussion on this matter was tabled until later in the meeting while Mr. Soberick researched the Code of Virginia section relevant to this matter.

PUBLIC HEARING – SPECIAL EXCEPTION 98-08, ROY FISHER

Mr. Wilson presented Special Exception Application 98-08, from Roy Fisher, which requested approval to locate a contractors office and storage at Tax Map 27-34, 3.0 acres, zoned Village Community. According to Mr. Wilson, the Planning Commission voted in favor of the use by a 6-4 vote, conditioned that the property not be used for any outside storage. The applicant requested that action by the Planning Commission on a site plan associated with this application be tabled for 60 days to allow him time to pursue an alternative building design.

Mr. Crittenden opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mrs. Weber questioned the proposed location for the building, noting that it was over a filled area. Mr. Wilson noted that the building official is aware of the proposal and will be requesting engineered plans for whatever structure is proposed for this area. Mr. Crittenden questioned the use for the existing building. According to Mr. Wilson, the applicant has indicated he will be making improvements to this structure.

The motion to table action for a period of 60 days, until the site plan is submitted, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PROPOSED EXEMPTION OF REAL ESTATE TAXES FOR THE MIDDLESEX COUNTY MUSEUM, INC.

Discussion continued regarding the request from the Middlesex County Museum, Inc. There being no one present representing the Museum, and no response received from the Museum to the questions outlined in Code of Virginia Section 30-19-4, it was agreed to table further action on the request for 30 days.

LANDFILL MATTERS

Anthony Creech and Michael Fiori, of Resource International, Ltd., engineers for the County's landfill project, were present to address the latest requirements by the Department of Environmental Quality (DEQ). Because of test results in the up-gradient well and one down-gradient well, the DEQ has defaulted in its opinion that the landfill is the cause of contamination until proven otherwise. The DEQ will allow the facility to temporarily remain in detection monitoring, however, assessment monitoring must be implemented if any of the following conditions occur:

- The 90-day demonstration indicates the landfill is the source of the impact of MW-1 (upgradient well),
- The facility chooses not to perform a demonstration concerning the impact of MW-1,
- The organic constituents detected in the downgradient wells were not detected in the impacted MW-1, or
- The low-flow sampling methods show a SSI over background (established using the same low-flow sampling method) for total metal analysis over background.

Costs involved with these requirements include:

- Demonstration of impact: \$6,070.00
- Installation of three (3) additional down-gradient wells: \$7,605.00
- Monitoring: Detection monitoring 4 wells – approximately \$10,500/year; Assessment monitoring 4 wells - \$26,000/year for first year.

Board members suggested discussing the issue of regulating an unlined landfill using lined landfill criteria with the County's legislative representatives. There was no further action taken at this time.

VIRGINIA COASTAL RESOURCES MANAGEMENT PROGRAM GRANT

The motion to accept the FY 98 Coastal Program Grant issued through the Department of Environmental Quality from the National Oceanic and Atmospheric Administration, was made by Mrs. Weber, seconded by Mr. Williams. It was noted that the grant in the amount of \$18,540.00, requires a 59% local match, in the amount of \$26,933.00. The local match is met mostly by using salaries for the planner and erosion and sediment control inspector in the Planning Department.

APPROPRIATION FOR LEGAL FEES

Mr. Wilson requested the Board authorize funding for legal counsel to represent the Board of Zoning Appeals (BZA) in an on-going case. Legal fees total \$1,900 to date, however, it is estimated that \$3,500 could be expended for the actual BZA hearing and an anticipated appeal to the circuit court. The court has been petitioned with a request that the County's legal fees be refunded should the County's decisions be upheld.

It was recommended that discussion of this issue continue later in executive session. There was no further discussion at this time.

REQUEST TO WAIVE FEES

The motion authorizing the waiving of the fees associated with the printing of a land book and index for use by the Middlesex Health Department, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

JUNK CAR AGREEMENTS

The motion to increase the reimbursement amount available to those companies that contract with the County for the removal of junk cars from \$30 per vehicle, to \$40 per vehicle, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

APPOINTMENT

The motion to appoint Robert Brooks to represent the County on the Tri-River Alcohol Safety Action Program Board of Directors, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

CURFEW ORDINANCE

Mr. Soberick presented the Board with a revised, proposed curfew ordinance, which was modeled after the curfew ordinance of the City of Charlottesville, which was recently upheld in the courts. Mr. Culley was requested to write the Commonwealth's Attorney and Sheriff, stating that the Board would not proceed with the issue unless they requested action.

FUEL OIL BIDS

The Board considered the four (4) bids received for the provision of fuel oil to the Courthouse Complex and Cooks Corner Office Complex, for the period of December 1998 through June 2000. The bids received are as follows:

COMPANY	BASE PRICE PER GALLON	DIFFERENTIAL	NET TOTAL COST PER GALLON
Noblett Oil & Propane	.3940	.0985	.4925
L. F. Phillips Oil	.4110	.0973	.5083
Thomas Oil Co.	.4848	.1742	.6590
Thrift Oil Co.	.4168	.1150	.5318

The motion to accept the low bid from Noblett Oil & Propane, at a net cost per gallon of \$0.4925, was made by Mr. Williams and seconded by Mr. Miller. The vote carried by a vote of 3-1 (Weber opposed).

SIGNS – COOKS CORNER OFFICE COMPLEX

Assistant Administrator, Marcia Jones, presented the proposed sign designs for signs at the Cooks Corner Office Complex. Signs and costs, designed and installed by Kaptain Krunch of Deltaville, were as follows:

- Main sign – two sided, 3 dimensional lettering and framing -- \$2,300.00
- Gym sign – one sided, 3 dimensional lettering and framing -- \$900.00

- Entrance sign (front) – two sided, 3 dimensional lettering and framing -- \$500.00
- Side entrance sign – 1 side -- \$365.00

The motion authorizing the expenditure of \$4,000 for the signs, without an additional appropriation at this time, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

LAUREL SHELTER GRANT ENDORSEMENT

Mrs. Barbara Cockrell, representing the Laurel Shelter for Abused Women and Children, was present to request a letter of support for a \$40,000 grant and programs against sexual abuse. A 20% match is required for the grant application, which the Shelter is raising. The motion authorizing sending a letter of endorsement was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

RESOLUTION – “WATCH FOR CHILDREN” SIGNS

The motion to adopt the following resolution was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously:

RESOLUTION

REQUEST FOR INSTALLATION AND MAINTENANCE OF “WATCH FOR CHILDREN” SIGNS

WHEREAS, there are a number of children who live along Routes 652 and 664 in the Hardyville area, and;

WHEREAS, there is a great deal of traffic traveling along Routes 652 and 664 which endangers children; and

WHEREAS, the Code of Virginia permits signs alerting motorists that children are at play nearby;

NOW, THEREFORE, BE IT RESOLVED by the Middlesex County Board of Supervisors on this the 17th day of November, 1998, that the Virginia Department of Transportation be requested to install and maintain “Watch for Children” signs in the Hardyville area as follows:

On Route 652, Crittenden Road, near its intersection with Route 33.

On Route 664, Woods Creek Road, near its intersection with Route 652.

BE IT FURTHER RESOLVED that funding for the installation of said signs be from the Secondary Road Construction Allocation.

HOLIDAY SCHEDULE

The motion to approve the following holiday closing schedule for County offices was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

From Noon, Wednesday, November 25
All Day, Thursday, November 26
All Day, Friday, November 27
From Noon, Wednesday, December 23
All Day, Thursday, December 24
All Day, Friday, December 25
All Day, Thursday, December 31
All Day, Friday, January 1

EXECUTIVE SESSION

The motion to convene in Executive Session to discuss matters involving legal counsel, including the Airport, and Board of Zoning Appeals, per Code of Virginia, Section 2.1-344.a7, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

Upon reconvening in open session, the following motion was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

As a result of the executive session, there was no action taken by the Board.

ADJOURN

There being no further business, the meeting recessed until December 1, 1998.

Fred S. Crittenden, Chairman
Board of Supervisors