

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MAY 18, 1999, 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  
Frank Jessie, Jamaica District

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

**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.

**RECESS AND MOVE TO COURTROOM**

The motion to recess and move to the Courtroom due to the large crowd, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**CREATION OF COUNTY WATER AUTHORITY**

Mr. Culley presented information from the *Preliminary Engineering Report - Deltaville Water Study*, by R. Stuart Royer and Associates, which reported that 1014 houses, 30 multi-family residences, 60 businesses, 39 marinas and 1765 boat slips could be served by a public water system in Deltaville. A feasibility study conducted by Royer concluded that public sewer was not feasible. The meeting tonight was to hear public comments concerning the creation of a water authority, the next step in establishing a system for the Deltaville area.

Mr. Crittenden introduced Roger Hart, R. Stuart Royer and Associates and County Attorney Michael Soberick to the audience. Mr. Crittenden opened the hearing for comments from the public. Most persons speaking in favor of the public system did not have good drinking water and had had to install more than one well on their properties. The following persons spoke:

Robert Mannell – (Rt. 650); favored system

Richard Saro – (Moore's Creek Estates, Amburg); opposed system; questioned why his subdivision was included.

Stanley Tucker (President, Stove Point Homeowner's Assoc.), favored system.

Chip Holt (Chairman, Water Committee, White Point Cove Subdivision) – unanimous support of system by White Point Cove

Parker Harrington – favored system for entire County, not just Deltaville.

Harrison Leach – (Stingray Point), favored

Jim Pannell – favored system

Carolyn Schmalenberger - (Moore's Creek Estates), favors system

Guy Woodard – recommended sending a new survey, advising citizens of the total dollars involved with connection. Believed the individual costs will be higher than estimated.

Robert Miller – favored participation

Wyn Holbrook – (White Point Cove) – favored

Ron Chandler – (President, White Point Cove Assoc); favored; no need to take another survey

Richard Wells – (Stingray Point), favored

Al Sheffield – has been hauling water for 40 years; favors public system

George Miller – (Delta Shores) questioned whether the service area would be changed. Mr. Culley responded, no.

William E. Norton, Jr. – favored system; he is on his third well.

William E. Wright – does not believe the connection should be mandatory

Faye Leach – would not have moved to current location if she had known the condition of the water. Questioned the health issue of using the bad water.

Jack Dozier – favored system; citizens would have a reduction in their costs for replacing rusted pipes and appliances.

Dorothy Jones – if necessary, re-do the survey, but favors a public system.

Mr. Culley commented that the survey had included estimated amounts for connections. Connection cannot be mandated; however, a minimum monthly fee can be charged to all on the service route.

Mr. Hart commented that the fees had been based on a conservative interest rate of 6.5% (current rates are 4.5% or lower). Grant money is available, along with state assistance for low to moderate-income families to assist with connection fees.

Ray Wade – questioned whether the service would change. Also, it was questioned whether a public system would make it difficult on marinas that have set discharge limits. Mr. Culley responded that he did not believe available water would effect these limits.

Mr. Saro – questioned again why Moore's Creek was included in the service area, when there was good water there. Mr. Culley commented that a circle was drawn to include the most units feasible.

Ed Tabor – speaking for those that cannot afford to be on the system, he commented that it was unfair to be charged for something not needed.

Mr. Woodard – does not believe there is a health problem; does not agree with charging a mandatory fee; does not believe 50% or more of citizens would want to participate if they knew how much it will really cost.

Mr. Hart commented that 85% - 90% hook-ups are required to make the system feasible. Rural Development provides grants to keep the connection rates low.

Mr. Miller – questioned whether other service areas would have to be self-supportive. Mr. Culley commented that feasibility studies would be conducted on each area to insure they are self-supportive.

Discussion followed concerning the different types of bonds available – revenue bonds, which is self-supportive, versus general obligation bonds, which requires a moral obligation. Mr. Soberick also discussed the steps required for formal creation of a water authority. Mr. Soberick estimated 45-60 days to create the necessary documents, including ordinances and articles of incorporation. Another public hearing would be required for adoption of these documents.

There being no further comments, the public portion of the hearing was closed. The motion to proceed with the drafting of the documents required for a water authority was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

### **SITE PLAN APPLICATION 99-6, DELTAVILLE POST OFFICE**

Mr. Wilson presented Site Plan Application 99-6, from Touchstone Development, for development of Tax Map 40-69, zoned General Business, with a new 4,365 square foot post office structure. Proposed development of the parcel will eliminate a portion of the property currently used as the parking area for Taylor's Restaurant. Other parking provisions for the restaurant will be required.

The Middlesex County Planning Commission recommended approval of the application, conditioned upon the following:

- The issuance of an approved Water Supply Permit by the Health Department for the facility prior to the issuance of Zoning and Building permits.

- The issuance of an approved Commercial Entrance Permit by VDOT for the proposed entrance on Highway 33 prior to the issue of Zoning and Building Permits.
- Adherence to the submitted landscaping plan including 8 additional pine tree plantings on 25 foot centers on the grass area located between the service road and western property line. All landscaping work is to be immediately conducted upon the completion of the building.
- The provision of an approved parking area for Taylor's Restaurant to compensate for the loss of parking space resulting from the development of the post office property.

Mr. Crittenden opened the hearing for comments from the public. Ray Wade, owner of the property, and co-owner of Taylor's Restaurant, requested approval of the Board for this project. There were no additional comments, and the public portion of the hearing was closed.

The motion to approve Site Plan Application 99-06, as recommended by the Commission and listed above was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

#### **SPECIAL EXCEPTION APPLICATION 99-01, CHARLES CARTER**

Mr. Wilson presented an application to expand the use of an existing contractor's office to include a service business that would perform cleaning of fire damaged properties. This building is located at Tax Map 26-57B and is zoned Low Density Rural. No new construction to the existing building is proposed. A Health Department water supply and sewage disposal system use approval for a maximum of 15 employees has been issued. No information was provided with the application as to the number of parking spaces for employees and customers and no outside storage of equipment was identified.

The Planning Commission recommended unanimous approval of the application with the following conditions:

- No outside storage of equipment or other materials
- A minimum of 1 parking space per employee be provided and that a site plan identifying such parking area be submitted.

Mr. Crittenden opened the hearing for comments from the public. There were no comments and the public portion of the hearing was closed. The motion to approve Special Exception Application 99-01 as recommended by the Commission was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

## **AMENDMENTS TO COMPREHENSIVE PLAN**

Mr. Wilson presented an update of proposed amendments to the County's Comprehensive Plan which have been recommended by the Chesapeake Bay Local Assistance Department (CBLAD). The Planning Commission has prepared language, which fully satisfies four of the seven criteria CBLAD wanted changed to the Plan. Of the remaining three amendments, 2 involve minor changes to the text and the last one involves the production of an environmental constraint map. CBLAD staff will assist the County in the drafting of these text changes and mapping. The Planning Commission has recommended approval of the amendments as proposed, with the minor changes in text to be made by Staff. Mr. Wilson recommended that the Board conduct the public hearing as advertised but continue action until the final language is drafted.

Mr. Crittenden opened the hearing for comments from the public. There were no comments and the hearing was closed. The Board took no action at this time.

## **COMMISSION OF THE REVENUE OFFICE**

Mrs. Mary Lou Ebinger, Deputy Commissioner, presented a request to transfer \$1500 from professional services to the part time salary line in the Commissioner's budget. This money would be used to pay for Mrs. Davenport to continue training to perform duties in the Commissioner's office normally performed by Mrs. Bowman, who will be retiring in December. The motion to approve the request was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. Mr. Williams questioned if Mrs. Davenport's position would still be available after the November election for a new Commissioner. According to Mr. Soberick, her position was secure because it was not a supervisory position.

## **SCHOOL BUDGET**

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

### **1999-2000 MIDDLESEX SCHOOL BUDGET APPROPRIATION RESOLUTION**

**W** **HEREAS**, the Middlesex County Board of Supervisors has heretofore received a budget from the Middlesex County School Board; and

**W** **HEREAS**, the Middlesex County Board of Supervisors has held a public hearing for the School Board's Budget for fiscal year 1999-2000; and

**W** **HEREAS**, the Middlesex County Board of Supervisors has included funds in the County General Fund for School Operations Fund in the amount of \$4,452,281.00, and in the School's Capital Project Fund in the amount of \$90,400.00, and in the School's Textbook Fund of \$57,399.00, and

**W** **HEREAS**, the Middlesex County School Board has adopted a General School Fund Budget for the fiscal year 2000, and

**N**OW, THEREFORE, BE IT RESOLVED that the Middlesex County Board of Supervisors hereby appropriates to the following categories the Middlesex County General School Fund Budget:

<i>Instruction</i>	<i>\$6,805,931.51</i>
<i>Administration, Attendance &amp; Health</i>	<i>\$480,571.54</i>
<i>Pupil Transportation</i>	<i>\$520,640.16</i>
<i>Operation &amp; Maintenance</i>	<i>\$771,583.73</i>
<i>Debt Service</i>	<i>\$457,372.50</i>
<i>Total School General Fund</i>	<i>\$9,036,099.44</i>

**B**E IT FURTHER RESOLVED THAT the Middlesex County Board of Supervisors hereby appropriates to the School Food Fund, the School Textbook Fund, School Capital Improvement Fund and the Capital Building Fund, the following amounts:

<i>School Food Fund</i>	<i>\$392,275.47</i>
<i>Textbook Fund</i>	<i>\$80,000.00</i>
<i>Capital Improvements Fund</i>	<i>\$90,400.00</i>
<i>Capital Building Fund – State Funds</i>	<i>\$391,755.00</i>

**RADIO FREQUENCY**

The motion to make application for additional radio frequencies in conjunction with new radio equipment for emergency services was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The fee for this application is \$2,800.00, to be billed at a later date.

**PAVING PARKING AREAS**

Mr. Culley requested the Board's approval to transfer \$8,000 from VPPSA/Disposal, to General Properties/Repairs to pave the parking areas around the Courthouse Complex. Two quotes have been received, one for \$8,650 and another for \$10,150.00. Mr. Williams and Mrs. Weber expressed their opposition to this proposal, however, the issue was tabled until the Board could look at the sites at their June 1<sup>st</sup> meeting.

**GRASS CUTTING – SPORTS COMPLEX**

Mr. Culley presented a request from Granville Ambrose, Jr., grass cutting contractor, who requested an additional \$100.00 per cut at the Sports Complex. According to Mr. Ambrose, he did not realize cutting around the paved parking area was part of the contract. Mr. Ambrose has agreed to honor the contract should the Board not approve his request. There was a general consensus of the Board not to approve the request.

### **EXECUTIVE SESSION**

The motion to convene in Executive Session, per Code of Virginia, Section 2.1-344.a1, to discuss matters relating to personnel, and Code of Virginia, Section 2.1-344.a7, to discuss legal matters relating to the Delaware Corporation litigation, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Jessie 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:

There was no action as a result of the Executive Session.

### **ADJOURN**

There being no further business, the meeting recessed until the next regular meeting scheduled for June 1, 1999, beginning at 9:00 A.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors