

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 16, 2002, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator

CALL TO ORDER

Mr. Williams called the meeting to order. The meeting was opened with a prayer.

PUBLIC HEARING – PROPOSED USE OF HOLLY POINT PROPERTY FOR DEVELOPMENT OF A MARITIME MUSEUM

Raynell Smith, Blanche Scharf and Gene Ruark presented the Deltaville Community Association's proposal to lease the County's Holly Point property for development into a maritime museum, including a park, school, refuge, study and preservation area, creating a hands-on facility to highlight the County's boat building heritage and nature of the area. Existing structures would be used, requiring minimal improvements, those being mainly to the entrance road and development of a parking area. Mr. Williams opened the hearing for comments.

Jack Kodel, Noel Clinard, Jim Berlinghoff and Wyatt Durrett, all spoke in support of the project. Comments were as follows: the project would utilize private funding rather than County funds; requested the paths for the proposed natural areas be constructed through the woods rather than along the property lines; requested the parking area be secured in some other manner other than lighting; there were no comments in opposition. There being no further comments, Mr. Williams closed the public portion of the hearing.

Mr. Crittenden recommended doing something with the property and keeping the desires of Mrs. Clark, the donor of the property. He recommended entering a contract with the Deltaville Community Association and suggested the County Attorney and County Administrator meet with DCA representatives to work on a lease agreement. Each Board member expressed their appreciation to the DCA for making the proposal and agreed to consider the request. Mrs. Weber commented that there were financial issues to work out. There was no further action at this time. Mr. Ruark requested that the DCA be allowed to begin work. No time frame was given for drawing up a lease so that the DCA could begin their work.

PUBLIC HEARING – NO WAKE ORDINANCE FOR STURGEON CREEK

Mr. Culley presented a request from the Heritage Point Homeowner's Association for the Board's endorsement of their application for no-wake signs at the entrance to Sturgeon Creek. Mr. Williams opened the public hearing for comments. Winston Wright, speaking on behalf of the Homeowner's Association, requested the Board's endorsement, adding that the Association's recent dredging application had been approved contingent upon making application for the signs. There being no further comment, the public portion of the hearing was closed. The motion to recommend approval of the request by the Department of Game and Inland Fisheries was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously. It was noted that the County has no authority for enforcement of the ordinance.

AN ORDINANCE OF MIDDLESEX COUNTY ESTABLISHING THE ENTRANCE OF STURGEON CREEK AS A NO WAKE ZONE

Be it ordained by the Board of Supervisors of the County of Middlesex, Virginia that the Ordinance Establishing the Entrance to Sturgeon Creek as a No Wake Zone and Providing Penalties for Violation of the Ordinance is hereby adopted as follows:

Section 1

This Ordinance shall be known and may be cited as the Sturgeon Creek Ordinance.

Section 2

This Ordinance is promulgated pursuant to authority contained in §29.1-744 of the Code of Virginia of 1950, as amended.

Section 3

This Ordinance shall be effective upon its approval by the Commonwealth of Virginia Commission of Game and Inland Fisheries and the erection of appropriate warning signs.

Section 4

The entrance of Sturgeon Creek, a tributary of the Rappahannock River in Middlesex County, Virginia, is hereby designated as a no wake zone for boats and other watercraft. As defined in §29.1-700, Code of Virginia, 1950 as amended, "no wake" means operation of a motorboat at the slowest possible speed required to maintain steerage and headway.

Section 5

The Heritage Point Homeowners Association shall be responsible for constructing and erecting, at their own expense, appropriate warning signs. Such signs shall meet the design criteria of the Commonwealth of Virginia Commission of Game and Inland Fisheries and shall be placed only at locations designated by said Commission.

Section 6

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than fifty dollars (\$50.00) for each such violation.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

	YEA	NAY
Kenneth W. Williams	yea	

<i>Fred S. Crittenden</i>	<i>yea</i>
<i>John D. Miller, Jr.</i>	<i>yea</i>
<i>Lenora O. Weber</i>	<i>yea</i>
<i>Wayne H. Jessie</i>	<i>yea</i>

**PUBLIC HEARING – REQUEST FOR AMENDMENT OF ZONING ORDINANCE –
SIGNS –BY BOAT US**

Mr. Culley presented the application by Boat US to amend the Zoning Ordinance to add a special exception for larger on-structure and on-premises signs on properties zoned Village Community and adding criteria for the same. This request was being made so that if approved, Boat US could apply for a special exception to install a large (99.3) square foot sign on their building and a 65 square foot sign on the business premise. Currently, on-structure signs in VC are based on building frontage; the maximum square footage for an on-premise sign is 20 square feet. The Planning Commission recommended the Board deny this application, suggesting that an amendment of this type could start a sign war and recommended the entire section on signs should be re-written. Mr. Williams opened the public hearing for comments.

John England, Planning Commission Chairman, added that the Commission further recommended that the Commission use a proposal originally presented to the Board in 1996 as a basis to revise this section, further revising some provisions to bring it more up to date. The Board following a public hearing in 1996 had denied this proposal. Mr. England suggested the Commission re-visit the issue at the Commission's next meeting, holding a public hearing and bringing a recommendation to the Board for their May 21st meeting; if approved by the Board on that date, there would be no time delay to Boat US. Mrs. Weber commented that the County's ordinances were the rules and people should stick to them rather than requesting ways to get around them. Craig Dozier questioned how large the signs in Village Community could be in the amendments being suggested by Mr. England; these details would be available at a later date should the Board decide the Commission should proceed in this manner.

There being no further comments, Mr. Williams closed the hearing. Mrs. Weber made the motion to accept the Planning Commission recommendation to deny the application and requested the Commission present a proposal to amend the entire section of the Zoning Ordinance relating to signs. This motion was seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – REQUEST TO AMEND THE FEES IN THE PLANNING AND
COMMUNITY DEVELOPMENT DEPARTMENT**

Mr. Culley presented a request to amend the Fees Ordinance of the Planning and Community Development Department to increase the cost for sale of the County's

revised Comprehensive Plan, from \$15.00 to \$30.00 for an almost all black and white copy and \$60.00 for a full color copy. Mr. Williams opened the hearing for comments from the public. There being none, the public portion of the hearing was closed. The motion to adopt the new fees as recommended was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2001-06, CAROL COLLIER

Mr. Culley advised that the Planning Commission had reviewed the revised site plan submitted with this application and had recommended approval of the reclassification of this property from Residential to Cluster Development to allow the construction of 7 multi-family structures, for a total of 28 individual units. Mr. Williams re-opened the public hearing on this application, which had been continued from the Board's meeting on April 16th.

Mr. Breck Ingles, representing the applicant, requested the Board's approval of the application, noting that zoned as Residential, a total of 80 units could be constructed on this property, however, his clients believed their proposal to be the best use of the land. Of the total acreage, two acres containing an existing structure will remain classified as Residential; this section will be subdivided off. Proffers were submitted with the application. Mr. Bill Powell commented that projects such as this should be encouraged and that he favored the application, although it was in view of his property. There being no further comment, the public portion of the hearing was closed.

The motion to accept the proffers and approve the application for reclassification of Tax Map 40-10 and 11 from Residential to Cluster Development as proposed was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Williams commended the developers for submission of this type of plan.

PUBLIC HEARINGS – COUNTY BUDGET and PROPOSED TAX INCREASE

Mr. Culley presented highlights of the County budget, included below, noting that the largest increase was in Schools, which included their debt service, and the largest decrease was in the E911 budget, which was predicated on finishing the contract with GTE/Verizon by June 30th. Departmental increases were mainly from approved increases for the elected constitutional officers (reimbursed by the State), a fully funded county position added to the Sheriff's department last year, and a service contract on the emergency services equipment. The real estate and manufactured home tax rates are proposed to increase from \$0.55 to \$0.59/\$100 of assessed value.

Mr. Williams opened the hearing for comments from the public. Mr. Jim Lehner noted his opposition to the budget, claiming that there was "too much fat" in the County and School budgets, and voiced his opposition to school employees being given a proposed increase and opposed the proposed increase in the tax rate. There were no other comments and the public portion of the hearing was closed.

Mrs. Weber noted that as a Board, they cannot tell the School Board how to spend the funds approved for their use. The Board would meet as previously discussed on Tuesday, April 23rd to adopt the budget and set the tax rates.

Budget Highlights

- ◆ **Total Budget Increase is 1.20%**
 - Total County Budget including Local money for Schools equals **13,025,818.00**
- ◆ **County Debt Service increased by 144.19%**
- ◆ **School Debt Service increased by 22.60%**
- ◆ **Funds from the State for Debt Service have decreased by 164,448.00**
- ◆ **County Budget less Schools and Debt Service decreased by 12.06%**
- ◆ **School Budget less local Debt Service increased by 3.73%**

County Budget Expenses

- ◆ **The Budget includes 71 Departments**
- ◆ **22 Departments have decreasing budgets**
- ◆ **13 Departments have increasing budgets**
- ◆ **36 Departments have no change in their budgets**
- ◆ **58 Departments either decreasing or no change**
- ◆ **Total Budget increase is 154,665.00**
- ◆ **The largest increase is in Schools in the amount of 643,258.00**
- ◆ **The largest decrease is in E911 in the amount of (459,873.00)**

Proposed Increases

- ◆ **Salaries @ 0.00%**
- ◆ **Most Other Agencies @ 0.00% or less**
- ◆ **New Reassessment to start January 2003**
- ◆ **Debt Service - County @ 612,866.00 Increasing 144.19% from FY 2002**
- ◆ **Debt Service - Schools @ 1,341,534.00 Increasing 22.60% from FY 2002**
- ◆ **New money for Maintenance Service Contract on Radio Equipment – 25,148.00 or 335.31%**

Departments Increasing

- ◆ **Capital Outlay @ 251,889.00 or 64.43%**
- ◆ **Reassessment @ 30,000.00 or 100.00%**
- ◆ **Commissioner of Revenue @ 3,645.00 or 2.00%**
- ◆ **Treasurer @ 6,222.00 or 3.08%**
- ◆ **Circuit Court @ 1,392.00 or 4.73%**
- ◆ **Circuit Court Clerk @ 15,923.00 or 10.06%**
- ◆ **Juvenile Court Services @ 4,690.00 or 29.22%**
- ◆ **Sheriff @ 26,392.00 or 3.31%**
- ◆ **Animal Control @ 11,231.00 or 26.10%**
- ◆ **Emergency Services @ 35,742.00 or 260.89%**
- ◆ **Environmental Enforcement @ 1,889.00 or 4.21%**

School Budget

- ◆ **Proposed School Operations budget is Level Funded**
- ◆ **Proposed increase in the School Capital Outlay budget is 223,333.00**
- ◆ **Proposed increase in the Textbook Fund is 8,206.00 local money or 17.22%**
- ◆ **Proposed Salary increase for School Employees is 3.00%**
- ◆ **Proposed decrease in State Funds for School Operations is 391,812.00 or 8.47%**

School Capital Outlay Budget

- ◆ **Includes funds for one (1) new bus @ 48,333.00**
- ◆ **Includes matching Funds for one (1) additional bus @ 25,000.00**
- ◆ **Includes funds for furnishings for new schools @ 150,000.00**

Proposed Revenues

- ◆ **Proposed 4 cents increase to Real Estate Tax Rate**
 - Real Estate Tax Rate to increase to 59 Cents per 100.00 dollar assessed value
- ◆ **Proposed 21,443.00 from Fund Balance to be used to balance revenues to expenses**
 - FY 2002 included 257,020.00 for future expenses, i.e. Courthouse or School improvements
 - This is equal to 0.0043% of available Fund Balance

EMERGENCY MEDICAL SERVICES WEEK

Barbara Layman of the Central Middlesex Volunteer Rescue Squad requested the Board's endorsement of the Rescue Squad and support of them and other emergency volunteers during Emergency Medical Services Week, May 19 – 25, 2002. Ms. Layman noted that the Urbanna based squad had doubled in size from over a year ago and included several junior members, however, day-time coverage was still a major problem.

The motion to adopt the following resolutions in support of both volunteer squads in the County was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

*Recognition of Central Middlesex Volunteer Rescue Squad During
Emergency Medical Services Week*

Whereas, the Central Middlesex Volunteer Rescue Squad was founded in 1969 to serve the emergency medical needs of the citizens of Middlesex County; and

Whereas, the Central Middlesex Volunteer Rescue Squad serves this community by providing basic and advanced life support services; and

Whereas, the volunteers who so faithfully and unselfishly carry out the duties of the organization by donating their time and specialized skills; and

Whereas, the citizens of the County of Middlesex have come to expect a high level of professional, pre-hospital, emergent care;

Now, Therefore, Be It Resolved by the Middlesex County Board of Supervisors that it hereby acknowledges the Central Middlesex Volunteer Rescue Squad during Emergency Medical Services week, May 19-25, 2002; and

Be It Further Resolved by the Middlesex County Board of Supervisors that it hereby commends the members of the Central Middlesex Volunteer Rescue Squad for their tireless service and selfless dedication to their fellow citizens and visitors to our community.

Adopted this 16th day of April, 2002

Those members voting:

<i>Kenneth W. Williams</i>	<i>aye</i>
<i>John D. "Jack" Miller</i>	<i>aye</i>
<i>Lenora "Lee" Weber</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Wayne H. Jessie, Sr.</i>	<i>aye</i>

*Recognition of Central Middlesex Volunteer Rescue Squad During
Emergency Medical Services Week*

Whereas, the Middlesex Volunteer Rescue Squad was founded in 1956 to serve the emergency medical needs of the citizens of Middlesex County; and

Whereas, the Central Middlesex Volunteer Rescue Squad serves this community by providing basic and advanced life support services; and

Whereas, the volunteers who so faithfully and unselfishly carry out the duties of the organization by donating their time and specialized skills; and

Whereas, the citizens of the County of Middlesex have come to expect a high level of professional, pre-hospital, emergent care;

Now, Therefore, Be It Resolved by the Middlesex County Board of Supervisors that it hereby acknowledges the Central Middlesex Volunteer Rescue Squad during Emergency Medical Services week, May 19-25, 2002; and

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<i>Kenneth W. Williams</i>	<i>aye</i>
<i>John D. "Jack" Miller</i>	<i>aye</i>
<i>Lenora "Lee" Weber</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Wayne H. Jessie, Sr.</i>	<i>aye</i>

REQUEST TO WAIVE FEES – HANDS ACROSS MIDDLESEX

Mr. Jack Fackler, Co-Chairman of the Water In Now (WIN) program with Hands Across Middlesex, requested the Board waive building department fees associated with this program, which assists local families to obtain wells, septic systems, and bathrooms. The motion to approve the waiving of fees associated with the program was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

CLOSED MEETING

The motion to meet in closed session to discuss personnel issues pursuant to §2.2-3711.A1, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening 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 from open meeting requirements under Code of Virginia §2.2-3711. A.1 and 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.

RECESS MEETING

Mr. Williams recessed the meeting until April 23, 2002, at 7:30 P.M.

Kenneth W. Williams, Chairman
Board of Supervisors