

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JANUARY 21, 2003, 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  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

Mrs. Weber called the meeting to order at 7:30 P.M. and opened with a prayer and Pledge of Allegiance.

**PUBLIC HEARING – SITE PLAN APPLICATION 2002-09, MIDDLESEX COUNTY  
COURTHOUSE**

Planning Director Matthew Higgins presented Site Plan Application 2002-09, the application submitted by Middlesex County for the new 33,712 square foot courthouse facility to be constructed at the intersection of New Street and Bowden Street, behind the existing courthouse complex. The current use of the property, located at Tax Map 26B-1-86, 2.292 acres, is for a parking lot and drainfield. The only concern expressed by Mr. Higgins was with regard to parking, as the construction process will eliminate the use of the existing parking area, however the new development will establish a greater than required number of spaces. Following their hearing, the Planning Commission voted unanimously to recommend approval of the site plan with the following standard conditions: review and approval of the sewage treatment plant by Health Department prior to the issuance of a Zoning and Building Permit and Review and approval of required permits from VDOT prior to the issuance of a Zoning and Building Permit.

Mrs. Weber introduced Emerson Russell, who has been hired to serve as the Clerk of the Works for this project. Mr. Russell has been employed by the School Board as the Clerk for the construction projects at the elementary school and the high school. Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed.

Board members expressed their opposition to road improvements that the Department of Transportation was requiring that were not at the specific site. These improvements include curb and gutter along Route 618 from Route 33 past Route 674 (Bowden Street) and curb and gutter along both sides of Route 674 past the

intersection with Route 675 (New Street), changing the turning radius from New onto Bowden and resurfacing to address drainage issues. The Board agreed to the installation of two new entrances for the courthouse facility and installing curb and gutter on Route 674 only along the County property line, but not to its intersection with Route 618, and did not agree that it should be required to make improvements to Route 618. Mr. Culley explained that he had discussed these issues with the local VDOT office and the project was bid with these requirements in place. Supervisors requested a meeting with David Ogle, District Administrator, to see if these requirements could be changed.

The motion to approve the site plan, with no conditions and the understanding that the VDOT conditions are unacceptable, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **CONTRACT**

The Board was advised that the architects had reviewed the documents submitted by Richie-Curbow Construction Co., Inc., the apparent low bidder for the courthouse project, and found them to be acceptable. The cost estimate prepared on May 21, 2002 projected the cost at \$6,030,000.00. The Board was advised to accept the bid as presented and award the contract for the full amount and if necessary, negotiate a change order for any future reduction of services should all the improvements required by the Department of Transportation prove to not be required. The motion to award the contract for the courthouse construction project in the amount of \$5,840,000.00 was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

### **APPOINTMENTS**

#### ***Industrial Development Authority:***

The motion to reappoint Floyd Jones and Robert Gary to four-year terms on the Industrial Development Authority was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously. These terms will expire January 31, 2007.

#### ***Planning Commission:***

The motion to appoint Gordon Jones to fill a vacancy from the Saluda District on the Planning Commission was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. The term for this position will expire on June 30, 2004.

## **DISBURSEMENTS**

The motion to approve the following disbursements was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: Checks numbered 44117 through 44129 totaling \$11,709.45 were disbursed as approved.

## **RESOLUTION**

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

### **RESOLUTION IN SUPPORT OF HB 1397 TAXING AUTHORITY OF COUNTIES**

*WHEREAS, counties currently have only the taxing authority granted to them by the General Assembly; and*

*WHEREAS, cities and towns have had the ability to impose certain taxes on their citizens without the requirement of legislative authorization or referendum; and*

*WHEREAS, the Board of Supervisors of Middlesex County believes counties should have taxing powers equal to towns in that most counties are larger than most towns; and*

*WHEREAS, House Bill 1397, as offered on January 8, 2003, proposes amendments to §15.2-204 and §15.2-1200, Code of Virginia, which will allow counties the same taxing authority as cities and towns; and*

*WHEREAS, the State continues to shift responsibilities for services and programs to the local level; and*

*WHEREAS, the Middlesex County Board of Supervisors believes this would be a reasonable granting of authority by the General Assembly;*

*NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors supports the amendments as proposed by House Bill 1397.*

## **CLOSED MEETING**

The motion to convene in closed session pursuant to Code of Virginia §2.2-3711.A.7 to discuss matters with legal counsel was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Miller, 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.7 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 as a result of the Closed Meeting.

## **OTHER BUSINESS**

### ***School Representatives:***

The Board requested that the School Board Chairman and Superintendent be invited to the next Board of Supervisors meeting to provide an update on the High School construction project and any other matters that they feel should be brought to the attention of the Board.

### ***Site Plan:***

A motion to rescind a Board member's request to have a site plan for Barrick Landscaping brought to the Board of Supervisors for review was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. This site plan, for a landscaping business in Saluda, was originally considered for minor site plan review, however Mrs. Weber had requested Board review, which required the proposal to be considered for major site plan approval, including a public hearing by the Board of Supervisors. Mrs. Weber commented that this was not her intent, only that Board members should look at the application.

### ***Enhanced 911:***

Mr. Culley was asked to provide the Board with the latest update on the E-911 project.

### ***Nature Trail Grant:***

Mr. Culley presented a request from Gene Ruark, on behalf of the Maritime Museum, to endorse a grant request for funding to establish a nature trail at the Holly Point Nature Park. According to Mr. Ruark's request, a 20% match is required that would be provided by the Deltaville Community Association and volunteers; no matching funds were requested from the County.

The motion to endorse the grant request, with the condition that no matching funds would be provided by the County was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously:

#### *RESOLUTION FUNDING FOR HOLLY POINT NATURE PARK IMPROVEMENTS*

*WHEREAS, the Department of Conservation and Recreation, (DCR), under the Virginia Outdoors Fund, provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and*

*WHEREAS, in 1989 the County received a donation of property known as Holly Point which was given for the intent of developing a nature park; and*

*WHEREAS, the Deltaville Community Association is working to develop a maritime museum and nature trail at this location, and;*

*WHEREAS, the Deltaville Community Association proposes to provide all matching funds for this project; and*

*WHEREAS, the Middlesex County Board of Supervisors desires to continue the improvement of the County's parks and recreation facilities; and*

*NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors endorses the nature trail project at Holly Point as proposed by the Deltaville Community Association without any local funding by Middlesex County; and*

*BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors endorses this grant application for funding of this project from the Department of Conservation and Recreation.*

**Telephone Service:**

Mr. Bob Henkel reported that there have been problems experienced in the Hartfield area in making telephone calls, where instead of the call going through, there is a recording that the circuits are busy.

**Sewer System:**

Mr. Culley reported that the Industrial Development Authority is planning on building the largest plant possible and will buy the extra capacity with the hope that the nursing home can join on in the future; budget cuts have affected this site's ability to participate at this time. The IDA has a draft letter and agreement that will be distributed soon to the businesses along the proposed route.

**ADJOURN**

The motion to adjourn until the Board's meeting on February 4, 2003, at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

---

Lenora O. Weber, Chair  
Board of Supervisors