

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 15, 2004 IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Lenora O. Weber, Saluda District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Kenneth W. Williams, Pinetop 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. Mr. Jessie opened with a prayer and Mr. Culley led in the Pledge. Due to the large crowd present, Mrs. Weber recessed the meeting to move next door to the Courthouse. Upon reconvening, Mrs. Weber announced that the agenda would be changed to allow for action by the Board on the proposed County budgets.

COUNTY BUDGET, INCLUDING FUNDS FOR SCHOOL BUDGET

Mr. Miller issued the following motions, which were seconded by Mr. Crittenden; discussion followed:

"I move to adopt the 2004-2005 General Fund Budget in the amount of \$13,592,913.00, which includes the School Operations Fund in the amount of \$5,574,629.00, the School's Capital Project Fund in the amount of \$50,000.00, and in the School's Textbook Fund of \$46,531.00, and further, the \$50,000.00 shall be used for the purchase of one (1) new bus."

"I move to adopt the E911 Fund Budget in the amount of \$170,381.00."

"I move to adopt the Capital Improvement Fund (049) in the amount of \$710,000.00."

"I move to adopt the 2004-2005 Appropriation Resolution, which includes the appropriation of General Fund, except for the School Funds which shall be appropriated quarterly pending adoption of the Final School Budget, totaling \$7,921,753.00 and the E911 Fund, totaling \$170,381.00."

Mrs. Weber presented a statement that suggested that there was enough money within the proposed school budget to fund 4-5% increases for positions if good business practices were used, including using money from four extra teaching positions and an RN position. Mrs. Weber also commented on a previous statement regarding students writing letters to the editor, adding that she was not opposed to letters, just that anyone writing a letter needed to have all the facts first. She also added that she

hoped for better relations between the School Board and Board of Supervisors now that the budget process was over and a new superintendent would be starting in July.

Mr. Crittenden added that it had been his worst budget year in his 34 years of working on both the School Board and the Board of Supervisors. Mr. Crittenden commented that it was the desire of the whole Board to make sure the best job is being done. Several items in the School budget were noted, including the four new positions that had not been specified and it being requested that a person in administration with less than five years experience was due to get a 37% increase. Mr. Crittenden added that teachers had been misinformed by school administration regarding the monies that were available to increase salaries. Mr. Crittenden suggested that an apology was due to the Board for comments by Rev. Morris at the public hearing and that the School administration needed to do a better management job.

Mr. Miller commented on a hand-out prepared by Mrs. Emily Bohannon that was distributed at the public hearing. Mr. Miller clarified that the House Bill approved by the General Assembly and referenced in the hand-out did not specifically designate that additional state funding had to be used for education, rather it was to be used to reduce the local real estate tax burden; it was up to the Board of Supervisors as to how to use it. Mr. Miller noted that the Board had initially talked about increasing local funding to the schools, but instead proposed to level fund and give all of the additional state funding to the schools, rather than using it in other county departments.

Mr. Williams commented that someone had suggested that a panel of two members from the Board of Supervisors and the School Board meet with a mediator to discuss controversial issues and try to settle differences. Mr. Williams commented that there were many "baby boomer" teachers that would be retiring that needed to be replaced with good teachers. Mr. Williams commented that he would be willing to add money to the proposed budget if the teachers could get it.

Mr. Jessie agreed with Mr. Williams, that more funding is needed, adding that the system will not get qualified teachers without an increase in salaries.

Mr. Williams noted that the bus drivers, adult education instructors and para-professionals should not be excluded from additional funding.

Mr. Williams issued a substitute motion to increase school budget funding by approximately \$90,000.00, the amount necessary to pay the schools debt service; this motion was seconded by Mr. Jessie. In a roll call vote, this motion failed by vote of 2-3 (Miller, Crittenden, Weber opposed). In a roll call vote on the initial motions made by Mr. Miller, the motion passed by a vote of 4-1 (Jessie opposed). Mrs. Weber noted that she was very proud of the students that attend Middlesex County schools. Mrs. Weber called a brief recess while the room cleared.

**2004 - 2005 MIDDLESEX COUNTY BUDGET
APPROPRIATION RESOLUTION**

WHEREAS, the Middlesex County Board of Supervisors has heretofore prepared a Budget for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the Budget;

NOW, THEREFORE BE IT RESOLVED, by the Middlesex County Board of Supervisors that subject to the approved Budget for 2004-2005 the following appropriations for the General Fund (Fund 001) be made as follows:

COUNTY GENERAL FUND APPROPRIATIONS

Fund Number	Description	Adopted 04/05
10010	Total Capital Projects	846,614.00
10020	Total County Airport	126,339.00
11010	Total Board Of Supervisors	76,660.00
12010	Total County Administrator	236,857.00
12040	Total Legal Services	48,410.00
12080	Total Independent Auditor	26,000.00
12090	Total Commissioner of Revenue	171,541.00
12100	Total Assessor	50,000.00
12130	Total Treasurer	206,491.00
12190	Total Insurance/Risk Management	76,550.00
12200	Total Data Processing	76,840.00
13010	Total Electoral Board	21,825.00
13020	Total Registrar	58,455.00
21010	Total Circuit Court	83,178.00
21020	Total General District Court	5,925.00
21030	Total Juv&Dom Rel Ct Services Unit	18,725.00
21040	Total Magistrate	6,500.00
21050	Total Merrimac Center	37,826.00
21060	Total Circuit Court Clerk	186,884.00
21100	Total Juvenile Court	9,481.00
22010	Total Commonwealth's Attorney	85,543.00
31020	Total Sheriff	899,481.00
31030	Total Town Police	43,661.00
31040	Total Drug Investigator	
31050	Total County Deputy	40,951.00
31060	Total School Officer	
31070	Total School Crossing Guards	11,845.00
32010	Total Volunteer Fire Departments	126,972.00
32030	Total Rescue Squads	82,658.00
32040	Total EMS Training	
33010	Total Regional Jail	561,925.00
34010	Total Building Inspection	142,092.00
35010	Total Animal Control	61,307.00

35030	Total Medical Examiner	400.00
36050	Total Emergency Services	83,425.00
36090	Total E911	127,955.00
42020	Total Street & Road Cleaning	500.00
42030	Total Convenience Centers	93,847.00
42060	Total Refuse Disposal	3,000.00
42070	Total VPPSA	683,916.00
43020	Total General Properties	418,431.00
43040	Total Holly Point	
43050	Total Canoe House Landing	1,000.00
51010	Total Health	139,008.00
51050	Total Hospitals	
52010	Total Mental Health	23,690.00
53010	Total Welfare	848,926.00
53050	Total Bay Aging	30,890.00
53060	Total Service Organizations	2,000.00
53090	Total Virginia Housing Development	1,000.00
53100	Total Vocational Rehab. Centers	4,793.00
53120	Total Gloucester-Mathews Humane	6,180.00
53150	Total Comprehensive Services	385,000.00
60000	Total Education	4,569.00
63200	Total VA School League Activities	3,000.00
71010	Total Parks & Recreation	44,453.00
71040	Total Sports Complex	29,765.00
72020	Total Museum	3,090.00
72090	Total Welcome Center	
73020	Total Regional Library	72,033.00
81010	Total Planning	83,837.00
81040	Total Zoning Administration	63,298.00
81050	Total Industrial Development Authority	12,500.00
81060	Total Board of Zoning Appeals	5,350.00
81070	Total Anniversary Committee	
82030	Total Soil & Water Conservation	3,800.00
82040	Total Environmental Enforcement/Wetlands	44,661.00
82050	Total Forestry Service	2,492.00
83030	Total Cooperative Extension Service	32,950.00
99010	Total Transfers Out	234,458.00
	Total General Fund Appropriations	7,921,753.00

BE IT FURTHER RESOLVED, by the Middlesex County Board of Supervisors that subject to the approved Budget for 2004-2005 the following appropriations for the Enhanced 911 Fund (Fund 009) be made as follows:

Fund Number	Description	Proposed 03/04
	** E911 **	
99010	TRANSFER TO GENERAL FUND	128,317.00
99010	TRANSFER - DEBT SERV.TO GEN.FUND	42,070.00
	Total Expense Fund 009	170,381.00

BE IT FURTHER RESOLVED, by the Middlesex County Board of Supervisors that subject to the approved Budget for 2004-2005 the following appropriations for the Capital Improvements Fund (Fund 049) be made as follows:

Fund Number	Account Number	Description	Proposed 03/04
999		** CAPITAL IMPROVEMENTS FUND **	
10010		** CAPITAL IMPROVEMENTS EXPEND **	
10010	7005	COURTHOUSE IMPROVEMENTS – SEWER	400,000.00
10010	7010	ASSESSOR	60,000.00
10010	7011	ANIMAL SHELTER	250,000.00
		Total Expense Fund 049	710,000.00

PUBLIC HEARING – SPECIAL EXCEPTION #2004-08, WINDMILL COMMUNICATIONS

Mr. Higgins presented application 2004-08, a request for special exception to add a public communications facility on property zoned General Business at Tax Map Tax Map 30-32-6, the site of an existing shopping center/office complex in Topping. This property is also located within the Airport Zoning District, and is within the “horizontal zone”, which has a height restriction of 150 feet above the airport elevation and 180 feet above mean sea level. The radio tower, which is proposed at 150 feet in height, would not exceed the height restrictions of the Airport District. The proposed use will be located within an existing commercial shopping center, and is located adjacent to commercial and industrial uses in the industrial park continuous to Hummel Field. The Planning Commission recommended approval of the application with the following conditions:

1. The proposed radio tower shall be certified by an engineer as to not exceed the height restrictions of the Airport (A) zoning district prior to issuance of a Zoning Permit.
2. The proposed radio tower location and height must be reviewed and approved by the Federal Aviation Administration (FAA) prior to issuance of a Zoning Permit.
3. As shown on the submitted plat, the radio tower shall be located in the rear of the existing building.

Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the application as submitted, and as recommended by the Planning Commission, adding that a satellite dish will also be located to the rear of the building, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Mr. Younts, President of the radio station commented that he would be meeting with the Airport Committee at the end of the month and would agree to any conditions they may add.

ORDINANCE AMENDMENT APPLICATION 2004-04, BAY AGING APARTMENTS MIDDLESEX, INC.

Mr. Higgins presented the application for an ordinance amendment to amend Article 8, Village Community District to reduce the parking requirement for multi-family dwellings for support housing for the elderly from 2.5 to 1.75 parking spaces per dwelling unit. It was noted that current parking requirements for single family, two-family and multi-family dwellings, are 2 parking spaces per dwelling unit. As the elderly tend to drive less and have fewer cars than younger individuals, the parking requirements for elderly housing should logically be less than traditional forms of housing development.

Mrs. Weber opened the hearing for comments from the public. Joshua Gemerek, representing Bay Aging Apartments, requested approval. The motion to approve the amendment was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

ORDINANCE AMENDMENT APPLICATION #2004-06, SITE PLAN REVIEW

Mr. Higgins presented a proposed ordinance amendment to amend Article 17A, Site Plan Review. The purpose of the amendment is to establish that major site plans or any portion thereof involving engineering, architecture, landscape architecture or land surveying shall be certified by an engineer, architect, land surveyor or landscape architect licensed to practice in the State of Virginia.

Mrs. Weber opened the hearing for comments from the public; there being no comments, the public portion was closed. The motion to approve the amendment as submitted was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

ORDINANCE AMENDMENT APPLICATION #2004-07, INCENTIVE ZONING

Mr. Higgins presented a proposed amendment to the subdivision ordinance by establishing Article 15B, Incentive Zoning. The purpose of the amendment is to establish a "density bonus" for major subdivisions that provide a central water system, central sewer system, open space dedication exceeding minimum requirements or retirement housing. This amendment was developed through guidance from the Planning Commission's Zoning Subcommittee and previous discussions regarding subdivision requirements at Planning Commission meetings. The Code of Virginia,

Section 15.2-2286 permits localities to establish incentive zoning. As these amenities fulfill the goals and objectives of the Middlesex County Comprehensive Plan, they would be further encouraged within the confines of the County's Zoning Ordinance. Mr. Higgins added that there are no good standards as to when it should be required, and the committee thought that the best way to do this was to encourage the developer.

Mrs. Weber opened the hearing for comments. There being no comments, the public portion of the hearing was closed. The motion to approve the amendment as proposed was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

SPECIAL EXCEPTION 2004-01, FISHING BAY YACHT CLUB

At their meeting on April 20, 2004, the Board of Supervisors unanimously voted to continue this application for 60 days so that all parties involved could come to an amicable agreement. Mr. Higgins announced that on June 1, 2004, an agreement was reached between representatives and recommended that the Board of Supervisors approve the application with the conditions that were agreed upon. Mr. James H. Ward, Jr., representing the Fishing Bay Yacht Club (FBYC) thanked the neighbors and yacht club for working together. Mr. Michael Hurd, representing the homeowner's association, commented that the committee is a good thing and expressed hope that they will delinquently meet to resolve issues. The motion to approve the application for expansion of a yacht club in the Residential District, pending compliance with the agreement and conditions of the County, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously:

1. Community Advisory Board – FBYC will establish a "Community Advisory Board" to facilitate communication between FBYC and its neighbors. The membership of the Community Advisory Board shall be:
 - a. 2 appointees of FBYC – initially Waddy Garrett and Chip Hall
 - b. 2 appointees of the Stove Point Improvement Association
 - c. 2 representatives of the residents of Stove Point East of FBYC
 - d. 2 representatives of the residents of Fishing Bay Road West of FBYCThe Chairman of the Community Advisory Board shall be an appointee of FBYC – initially Chip Hall.
2. Buffers – FBYC shall establish a mutual fence or a landscape buffer between the subject property and all direct abutters who request it. The buffer must be mutually agreeable to FBYC and the abutter prior to the construction of the buffer.
3. Lighting – All new on-site lighting shall be designed to prevent light spillage onto adjacent roadways and properties not owned by the FBYC. All on-site outdoor yard or parking lot lighting shall have shielded fixtures designed to direct light downward and shield adjacent property. The spillover of lighting shall not exceed one-half (1/2) foot candle. A spillover shall be measured horizontally and vertically at the property line.
4. Noise – FBYC will notify all direct abutters and the SPIA of the dates of all events where more than 200 persons will be present on the site. FBYC will terminate all outdoor music by 11 PM and will terminate all outdoor activity by 12 AM.

5. Camping – FBYC will not permit camping on the subject property except for temporary overnight camping during multiple day regattas and events. FBYC will not provide any permanent or temporary sewer hookups or pads for motor homes, nor will it permit permanent camping of any type on its property.
6. Improvements – FBYC will not build a new main clubhouse on the subject property and may only locate accessory structures on the subject property.
7. Membership – Special Exception is granted with FBYC voluntarily restricting its membership to 400 Family Memberships until 1/1/2012. If FBYC wishes to increase its Family memberships after 1/1/2014, then it will seek the approval of the CAB.
8. Parking – Parking for all FBYC events shall be provided on-site with off-street parking or at satellite parking areas. No on-street parking shall be permitted.

APPROPRIATIONS

Sheriff's Fuel - The motion to approve an appropriation of \$6,000.00 for the purchase of gasoline for vehicles was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-41060-6001 TO: 4-1-31020-5408

Registrar – The motion to approve the appropriation of \$15,153.00 for compensation, health and retirement benefits for the registrar, who was made full time effective July 1, 2003, due to population increase was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously: FROM 3-1-41060-0001, TO: 4-1-13020-1001 \$8,918.00; 4-1-13020-2001, \$682.00; 4-1-13020-2002, \$2051.00; 4-1-13020-2005, \$3,502.00.

Sewer Construction – The motion to approve the transfer of \$87,646.00 from the Capital Outlay Fund Balance to the General Fund, Capital Outlay, Sewer Construction, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: FOM: 3-49-41060-0001 TO: 4-1-10010-7009

Reassessment Contract – The motion to approve the appropriation of \$62,000.00 for the extension of the reassessment contract, approved in October 2003, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-41060-0001 TO: 4-1-12100-3002

POLICE SERVICES AGREEMENT

The motion to renew the police services agreement between the County and the Town of Urbanna for FY 2005 was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

ANIMAL SHELTER

Mr. Culley had asked Frank Fields of Frank Fields and Associates to prepare a proposal for completing the work necessary to bid out construction of a new animal shelter. Mr. Fields was one of the architects that had prepared a proposal for a

regional shelter. Work on the Middlesex County Shelter would include the final design and creating the specification book. A fee of \$17,750 to finish the design work for the shelter and also to handle construction administration was proposed. The motion to approve the proposal was made by Mr. Miller, seconded by Mr. Jessie and carried by a vote of 3-2, with Mr. Crittenden and Mr. Williams voting in opposition.

DISBURSEMENTS

The motion to approve disbursements dated June 15, 2004, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. Checks numbered 48804 through 48862 totaling \$40,275.86 were disbursed as approved.

RECOMMENDATION FOR APPOINTMENT

Board members had been asked to submit a recommendation for appointment to the Tidewater Soil and Water Conservation District Board. Scott Rae had submitted his name and request for the nomination. The motion to submit Mr. Rae's name as a recommendation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Actual appointment is made by the District Board themselves.

ADJOURN

There being no further business, the meeting was adjourned until the regular meeting set for Tuesday, July 6, 2004, in the Board Room.

Lenora O. Weber, Chair
Board of Supervisors