

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 16, 2005, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

Mr. Crittenden called the special meeting to order at 7:00 P.M. and Mr. Williams gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

CLOSED MEETING

The motion to convene in closed session to discuss matters regarding consultation with legal counsel, per Code of Virginia, §2.2-3711.A7 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 from open meeting requirements under Code of Virginia §2.2-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Session, there was no action taken

MEETING MOVED

The motion to move the regular meeting to the Courthouse due to the large number of people present was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

TOWER – THREE RIVERS HEALTH DISTRICT

Tom Bernard, representing the Three Rivers Health District, requested the Board of Supervisors assistance with the emergency communications tower that has been approved for the District. According to Mr. Bernard, grant funding has been obtained, however, the District will not have time to bid the project out in order to obligate the funds. If the County would act as the contractor and take care of completing the project, then it obligates the grant funds within the required time frame for reimbursement. Mrs. Weber commented that County staff did not need to take on any additional projects. Other Board members noted that the benefit to the local department would outweigh the staff time involved. The motion to approve the request was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

REZONING APPLICATION – 2004-04, LOW DENSITY RURAL TO VILLAGE COMMUNITY WITH PROFFERS

Mr. Crittenden advised those present that the public hearing on this application had been conducted and closed for public comments. Mr. Crittenden asked the attorney for the applicants to review the proffers submitted with the application to rezone 521 acres of the total 848 acres of Tax Maps 27-10-1 and 2. Mr. Condlyn reviewed the proffers, especially those regarding the permanent conservation easement. He reminded the Board that although the submitted proffers cannot be changed at this time, more restrictions can be placed on the applicants with the special exception application that has been made (Special Exception Application 2004-05).

Mrs. Weber questioned Mr. Condlyn on the differences of this application when compared with the application for rezoning and cluster housing in Waterview, that he presented opposition to. Mr. Condlyn commented that this application had many more proffers that were beneficial to the county, the application included a master plan of development and the proposal leaves 61% of the land in open space.

Mr. Soberick noted that the proffers as submitted were valid and enforceable. Mrs. Weber stated that she believed the application should not be approved at this time until other items to establish smart growth were in place. Mr. Williams commented that he too wanted more time to get the capital improvements program in place, however, he did not believe that the county will get any thing better, especially the open space that has been guaranteed. He added that he wished the density was lower, but the only way that the County would stay rural is with the guaranteed open space. Mr. Williams also commented that the majority of citizens from the Pinetop District that had contacted him had been in favor of the application.

Mr. Crittenden commented that it will be interesting to see what future developments and proffers will be submitted, especially with regard to open space. He added that the Planning Commission has done a good job and the County has spent a lot of time to try and prepare for the future. Mr. Jessie commented on the positive nature of the proposed development, especially with regard to proffers for community organizations. Mr. Miller commented in favor of the application.

The motion to approve Rezoning Application #2004-05, with the proffers as submitted on June 21, 2005 was made by Mr. Jessie, seconded by Mr. Miller and carried by a vote of four (4) to one (1), with Mrs. Weber opposed.

APPROPRIATIONS

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

FROM: 3-1-41060-0001, \$17,319.00 TO: 4-1-10010-7033. Rolling funds from FY 05 to FY 06 for completion of the Health Department siding project.

FROM: 3-1-41060-0001, \$9,225.00 TO: 4-1-43020-7003. Rolling funds from FY 05 to FY 06 to complete the Welcome to Middlesex signs project.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 52734 through 52781 and totaling \$306,463.25 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of August was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Checks numbered 52422 through 52492 totaling \$201,170.49 were disbursed as approved.

SPECIAL EXCEPTION

It was agreed that the Board of Supervisors would conduct the public hearing on Special Exception #2005-04 at their meeting on September 20, 2005.

ADJOURN

The meeting was adjourned until September 6, 2005, at 9:00 A.M. by motion of Mr. Williams, seconded by Mr. Miller and carried unanimously.

Fred S. Crittenden, Chair
Board of Supervisors