

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MAY 17, 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 meeting to order at 7:30 P.M. and Mr. Williams gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

**PRESENTATIONS BY THE VIRGINIA COOPERATIVE EXTENSION SERVICE**

David Moore, Extension Agent, ANR, and Carl Thiel-Goin, Extension Agent, 4-H Youth Development, presented the Board of Supervisors with a plaque in recognition of their support of the 4-H program and plaques to Volunteers of the Year – for 2003, Marjorie Phelps (posthumously) and for 2004 – Susie Collamore.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 2005-03,  
COMMUNICATION TOWER**

Planning Director, Matthew Higgins, presented the application, a request from Verizon Wireless to construct a public communications facility (cellular telephone tower) on property owned by Jean and Albert Marshall, at Tax Map 18-15, an 83 acre parcel zoned Low Density Rural. The existing land use is agricultural and vacant land. The initial application had the tower located on the edge of a farm field and highly visible from Route 17. Staff had also requested information describing why the additional tower was needed, including why co-location was not an option. The Planning Commission had recommended approval with several conditions including a requirement for posting a bond or other form of acceptable surety with the County to cover the cost of tower removal should use of the tower be discontinued for a period of two (2) years.

Over the past month, the applicant has provided propagation maps showing a cell phone coverage gap in the area of Nickleberry Swamp that could not be rectified by co-locating on other towers. In addition, the applicant has agreed to relocate the tower 35 feet within the woods line on the property. Additional vegetation would also be planted around the compound. Based on the changes in location and the

landscaping provided, the base of the tower and associated compound would not be visible from Route 17.

Mr. Crittenden opened the hearing for comments from the public. Mr. Clarence Hargus questioned the impact of the tower on satellite television reception. Mr. Charles Rothenburg commented that the frequency is different and the phone signal will not effect the television. Jennifer Rosen of the law firm Hirschler Fleischer reiterated that the application had been amended to meet the suggestions of the planning department.

There being no further comments, the public portion of the hearing was closed. Mr. Jessie commented that there was a definite need for a greater coverage area and added that other companies would be able to co-locate. The motion to approve the application with the following conditions was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously:

1. Review and approval of the proposed tower by the Federal Aviation Administration (FAA).
2. The applicant shall provide opportunity for co-location of additional antennas and communication equipment by other telecommunications providers and potential users.
3. In the event that all communication use of the tower becomes inactive or ceases for a period of two (2) years or more, the tower shall be removed from the property. The applicant shall post a bond or other form of acceptable surety with the County to cover the cost of tower removal.
4. Installation of the tower must begin within one (1) year of approval of the Board of Supervisors.

### **PUBLIC HEARING – SPECIAL EXCEPTION 2005-05, SURFACE MINING OPERATION**

Mr. Higgins presented Special Exception Application 2005-05, an application submitted by Mercer Major to operate a surface mining operation at parcel 27-81A, a 7.9 acre parcel of property zoned Low Density Rural, located off Faraway Road, in the Stormont area. This site is the location of an abandoned sand and gravel pit. The applicant is currently working with the Department of Mines and Minerals to obtain the proper state permits to operate a surface mine at this location. Mr. Higgins noted that the current roadway can accommodate any truck traffic that would be generated by the proposed operation, as the road is the one that services the County landfill. Additional screening is recommended even though the operation will be on the back side of the property. In addition, the Zoning Ordinance permits the County to require a reasonable bond or surety to insure proper surface restoration. The State's Department of Mines and Minerals will hold a \$1,000 bond for this purpose.

Mr. Crittenden opened the hearing for comments from the public. Mr. John Coe of Urbanna asked if there was a time limit for removal or a maximum amount that can be removed. Mr. Higgins responded that there were no limits on the amount or time frame. The State will require that there be a reclamation plan in place that must be completed once the mining is complete. There being no further comments, the public portion of the hearing was closed. The motion to approve the special exception for

surface mining activities at Tax Map 27-81A with the following conditions was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

1. The applicant shall obtain all required permits from and adhere to any required conditions of the Virginia Department of Mines and Minerals prior to the commencement of surface mining activities.
2. The applicant shall comply with the requirements of Article 7, Section 7-4-7 as applicable to surface mining operations.
3. Any surface mining activities shall not occur within 50 feet of adjacent properties and 100 feet of the roadway.
4. All trees located on the edge of Faraway Road shall be maintained as screening for the operation. Additional trees shall be planted along with northeastern edge of the property for additional screening. All screening shall be established prior to the commencement of surface mining activities.

**PUBLIC HEARING SPECIAL EXCEPTION 2005-06, SURFACE MINING OPERATION**

Mr. Williams announced that he would be abstaining from discussion and vote on this application due to a conflict of interest.

Mr. Higgins presented Special Exception Application 2005-06, an application submitted by Bush Park Self Storage, Inc. to operate a surface mining operation at parcel 39-18-1A, a 3.575 acre parcel of property zoned Low Density Rural, located off Bush Park Road in the Wake area. This site is the location of an abandoned sand and gravel pit and the site was used to deposit material recently dredged from the Wake boat landing. The applicant is currently working with the Department of Mines and Minerals to obtain the proper state permits to operate a surface mine at this location. Access to the site will be by Bush Park Road which currently services another existing surface mining operation. There are a few single-family residences that abut the proposed mining operation, however, the area to be excavated would be located to the rear of the self-storage buildings currently constructed. Also, there will be minimal visual impact from the roadway.

Mr. Crittenden opened the hearing for public comments. There being none, the public portion of the hearing was closed. The motion to approve the application with the following conditions was made by Mr. Miller, seconded by Mr. Jessie and carried by vote of 4-0-1 (Williams abstaining):

1. The applicant shall obtain all required permits from and adhere to any required conditions of the Virginia Department of Mines and Minerals prior to the commencement of surface mining activities.
2. The applicant shall comply with the requirements of Article 7, Section 7-4-7 as applicable to surface mining operations.
3. Any surface mining activities shall not occur within 50 feet of adjacent properties and 100 feet of the roadway.

## **SCHOOL MATTERS**

### ***Appropriation Request:***

Dr. Spencer, Superintendent of Schools, James Goforth, School Board Chairman, and Richard Shores, School Board Member, were present to request the Board's appropriation of \$21,600.00 to be applied to a renegotiated contract with PSI to provide Clerk of the Works services on the roof project at St. Clare Walker School. The contract allows for a total of 480 hours of inspection services. If the work exceeds this amount of time, then additional costs would also have to be approved. The roofing contractor may begin work the first of June.

Mr. Williams commented that he has heard that there may be other people interested in the position of Clerk. If it would not hold up the construction, he would like the opportunity to contact the parties to see their interest. It was agreed that Mr. Williams would contact the individuals and interviews would be scheduled for the week of the 23<sup>rd</sup> if either party is interested. The School Board would decide on hiring one of the individuals at the pre-approved amount. If there are no interviews, the Board of Supervisors would be polled for a decision on the appropriation request.

### ***Appropriation:***

Mrs. Weber made a motion that \$834.00 be added to the current budget category for competition expenses so that the entire amount (3,834.00) can be applied to the TSA trip to Chicago for a national competition. This motion was seconded by Mr. Williams and carried unanimously.

### ***Budget Adoption:***

The motion to approve the following appropriation resolution based on the School Board's submittal of a revised budget was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

### **2005-2006 MIDDLESEX SCHOOL BUDGET APPROPRIATION RESOLUTION**

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

**WHEREAS**, the Middlesex County Board of Supervisors has held a public hearing for the School Board's Budget for fiscal year 2005-2006; and

**WHEREAS**, the Middlesex County Board of Supervisors has included funds in the County General Fund for School Operations Fund in the amount of \$5,763,475.00, and in the School's Textbook Fund of \$44,301.00, and in the School's Capital Improvement Fund of \$72,000.00, and

**WHEREAS**, the Middlesex County School Board has adopted a General School Fund Budget for the fiscal year 2006, and

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

Instruction	\$8,132,870.00
Administration, Attendance & Health	\$688,910.00
Pupil Transportation	\$719,425.00
Operation & Maintenance	\$1,155,551.00
Debt Service - Local Money	\$939,658.00
State Funds – Debt Service	\$251,779.00
Total School General Fund	\$11,888,193.00

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

School Food Fund	\$440,587.00
Textbook Fund	\$44,301.00
Capital Improvement Fund	\$72,000.00

Kenneth W. Williams	aye
Fred S. Crittenden	aye
Lenora O. Weber	aye
John D. Miller, Jr.	aye
Wayne H. Jessie	aye

**EMERGENCY OPERATIONS PLAN**

The motion to approve the following resolution, adopting the Emergency Operations Plan for Middlesex County, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

*RESOLUTION  
EMERGENCY OPERATIONS PLAN*

*WHEREAS the Board of Supervisors of Middlesex County, Virginia recognizes the need to prepare for, respond to, and recover from natural and man-made disasters, and*

*WHEREAS the County of Middlesex has a responsibility to provide for the safety and well being of its citizens and visitors and*

*WHEREAS the County of Middlesex has established and appointed a Director and Coordinator of Emergency Services*

*NOW, THEREFORE, BE IT HEREBY PROCLAIMED by the Board of Supervisors of the County of Middlesex, Virginia that this Emergency Operations Plan as prepared in July 2004 and revised May 2005 is officially adopted, and*

*IT IS FURTHER PROCLAIMED AND ORDERED that the Director of Emergency Services, or his/her designees, are tasked and authorized to maintain and revise as necessary this document over the next five year period or until such time it be ordered to come before this Board.*

Mrs. Weber noted that the plan sited the necessity of having exercises, which she encouraged. It was also noted that there needed to be a listing of dams included.

## **APPROPRIATION**

The motion to approve the appropriation of \$50,000.00 to cover additional expenses for groundwater monitoring at the landfill through June 30<sup>th</sup>, was made by Mr. Jessie, seconded by Mrs. Weber and carried by a vote of 4-1 (Miller opposed). Board members expressed their frustration with the State regulatory agencies applying additional regulations and expenses to County projects. FROM: 3-1-41060-0001, \$50,000.00 TO: 4-1-42070-3008.

## **DISBURSEMENTS**

The motion to approve disbursements was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. Checks numbered 51933 through 51970 totaling \$34,177.87 were disbursed as approved.

## **PAYROLL**

The motion to approve payroll for April 15 – May 15 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 51873 through 51932 totaling \$187,146.76 were disbursed as approved.

## **CLOSED MEETING**

The motion to convene in closed session to discuss matters for consultation with legal counsel regarding potential litigation per Code of Virginia, §2.1-3711.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 §2.1-3711.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.

## **OLD/NEW BUSINESS**

### ***Property Zoning:***

Mr. Williams brought up a complaint from a citizen that her property should have been placed in a commercial-type zoning district rather than residential because there was an existing commercial use on the property when zoning was enacted in 1985. The property in question is in the Hardyville area, with properties zoned Residential on

all sides. Mr. Soberick suggested that the Planning Department look at it to see if it should be changed. This will be discussed further at the June 7<sup>th</sup> meeting.

**ADJOURN**

The meeting was adjourned until June 7, 2005, at 9:00 A.M..

---

Fred S. Crittenden, Chair  
Board of Supervisors