

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MARCH 21, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Robert A. Crump, Saluda District
Kenneth W. Williams, Pinetop District
Wayne Jessie, Sr., Jamaica District

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

CALL TO ORDER

Mr. Miller called the meeting to order at 7:30 P.M. and Mr. Jessie gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL EXCEPTION 2006-01, WALTER AND JUANITA GLASCOCK, APPLICANTS

Planning Director, Matthew Higgins, presented the application requesting approval for the location of more than one principal residential structure on an individual parcel of land for an immediate family member. This property is located at 40-167D, a 1.016-acre parcel, zoned Village Community. A manufactured home is currently located on the property. The applicant desires to construct a single-family home for his use; his mother resides in the manufactured home. When the mother no longer resides in the manufactured home, it will be removed from the property. Mr. Higgins stated that this would bring the property into conformity with the permitted uses, character and standards of the Village Community Zoning District. The Planning Commission approved the application with conditions that are already mandated by Section 15-20 of the Zoning Ordinance.

Mr. Miller opened the public hearing for comments. Walter Glascock informed the Board that he was available to answer any questions. There being no further questions, the public hearing portion was closed. Mr. Miller noted that neighbors supported the application at the Planning Commission hearing. The motion to approve the application with the following conditions was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously:

1. The Health Department shall approve a permit for a new septic system or connection to an existing septic system prior to obtaining a Zoning and Building Permit.
2. The property owner shall remove the existing manufactured homes from the property within ninety (90) days of the discontinuance of use.

PUBLIC HEARING – FEE ORDINANCE AMENDMENT

Mr. Higgins presented an application to amend the fee ordinance to establish a fee for a Certification Letter to be issued to those people, other than homeowners, who request an official letter stating a property's zoning, address or other land use information. Staff recommended establishing a \$5.00 fee per letter, however, the public hearing notice was advertised for a maximum fee of \$25.00.

Mr. Miller opened the public hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to adopt the fee at \$25.00 per letter was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – WETLANDS FEE ORDINANCE

Mr. Higgins explained the purpose of the "in-lieu fee" as a fee structure option that would allow Wetlands Board applicants to compensate for unavoidable loss of wetlands by paying to a County fund. This would not be a mandatory fee, but Wetlands Board applicants could optionally pay this fee to the County if vegetated wetlands are impacted by a shoreline erosion project. Any funds generated from this fee could only be utilized for programs to mitigate for loss of wetlands. Wetlands staff have calculated a fee of \$12.00 per square foot based on guidance from the Virginia Institute of Marine Science (VIMS). A public hearing has been advertised to receive comment on whether or not to establish the "in-lieu fee" and at what price.

Mr. Miller opened the public hearing for comments. Wetlands staff person, Amy Easterbrooke, introduced Marvin Saunders, a wetlands applicant whose application is in limbo until the Board of Supervisors takes action on this proposed amendment. If the Board of Supervisors approves an in-lieu fee, Mr. Saunders can construct his bulkhead as proposed, and mitigate loss of wetlands by paying into the fund. If the Board of Supervisors denies the amendment, then Mr. Saunders' application as proposed would also be denied. He would be allowed to follow the footprint of his old bulkhead, although it will not be as supportive as the one proposed.

There being no further comments, Mr. Miller closed the public portion of the hearing. Board members discussed the proposal. Mr. Williams commented that he was an advocate of preserving wetlands, however, he was opposed to the State setting policies and telling localities how to use the fees collected. Mr. Williams also commented that the fees would not do anything to save wetlands in Middlesex County. Chip Neikirk of the Virginia Marine Resource Commission (VMRC) explained that the wetlands compensation has to be within the same watershed and the in-lieu fees would be controlled by the County and could be used for future wetlands restoration projects. The only other option, which is currently not available, is to buy into a wetlands bank. There will be fixed costs associated with the bank and prices may be too high for the property owner. Mr. Neikirk stated that Mathews County is looking at charging a \$9.00 fee; Gloucester has not decided.

Mr. Miller noted that he was not comfortable in voting on the proposed fee. The motion to table action on the proposal was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. Mr. Williams suggested that Mr. Saunders appeal his application to the VMRC.

PUBLIC HEARING – RELOCATION OF POLLING PLACE

Mr. Cully presented the Board with language proposed for changing the polling place for the Saluda Precinct from the Tom Carter Gymnasium to the Public Meeting Room, both located at the Cooks Corner Office Complex. This change is being made at the request of the Electoral Board, as there is no air conditioning in the gymnasium. Use of the Public Meeting Room would involve adding walls and doors to separate the area from School Board areas. Mr. Miller opened the hearing for comments from the public. There were no comments from the public and the hearing was closed. The motion to approve the change and proceed with renovations was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

ORDINANCE TO PROVIDE FOR PRECINCTS, TO ESTABLISH BOUNDARY LINES OR PRECINCTS, TO NAME EACH PRECINCT AND TO ESTABLISH A POLLING PLACE FOR EACH PRECINCT IN MIDDLESEX COUNTY, VIRGINIA

BE IT ORDAINED by the Middlesex County Board of Supervisors:

Section 1: *All of that ordinance known as "An Ordinance to Provide for Precincts, to Establish Boundary Lines of Precincts, to Name Each Precinct and to Establish a Polling Place for each Precinct," adopted as amended March 4, 1997 is hereby repealed.*

Section 2: *Pursuant to authority contained in Sections 24.1-37 through 24.1-40 of the Code of Virginia (1950), as amended, the precincts and their respective polling places for Middlesex County, Virginia are hereby created and established as set forth in this Ordinance.*

Section 3: *This Ordinance shall become effective April 1, 2006.*

Section 4: *The precincts for each election district and the polling place for each precinct shall be as set forth below:*

DISTRICTS AND PRECINCTS	LOCATION OF POLLING PLACE
Jamaica Election District	
<i>Immanuel Precinct</i>	<i>Church View</i>
<i>Water View Precinct</i>	<i>Water View</i>
Saluda Election District	
<i>Urbanna Precinct</i>	<i>Urbanna</i>
<i>Saluda Precinct</i>	<i>Saluda</i>
<i>Harmony Village Precinct</i>	<i>Topping</i>

Pinetop Election District	
Freeshade Precinct	Syringa
New Market Precinct	Deltaville

Section 5: The boundaries and polling places of the respective precincts are as set forth below:

IMMANUEL PRECINCT

The Immanuel Precinct shall consist of that part of the Jamaica Election District described as follows: Beginning at a point of intersection with the centerline of LaGrange Creek and Private Road LaGrange Lane; thence South along the centerline of Private Road LaGrange Lane to its intersection with Private Road Sun Beau Circle; a distance of 0.2 mile; thence South along the centerline of Private Road Sun Beau Circle to its intersection with Private Road Racetrack Road; a distance of 0.38 mile; thence in a northerly direction along the centerline of Private Road Racetrack Road to its intersection with Private Road Sunderland Creek Road; a distance of 0.7 mile; thence South along the centerline of Private Road Sunderland Creek Road to its intersection with State Route 676; a distance of 0.51 mile; thence in a southwesterly direction along the centerline of State Route 676 to the intersection with State Route 602; a distance of 0.87 mile; thence in a southeasterly direction along the centerline of State Route 602 to its intersection with State Route 1011; a distance of 2.14 miles; thence South along the centerline of State Route 1011 to the intersection with an unnamed road; a distance of 0.67 mile; thence in an easterly direction along the centerline of the unnamed road to its intersection with an unnamed road; a distance of 0.11 mile; thence in a northwesterly direction along the centerline of the unnamed road to its intersection with an unnamed road; a distance of 0.05 mile; thence South along the centerline of the unnamed road to its intersection with the centerline of Urbanna Creek; thence west along the centerline of Urbanna Creek to its intersection with the Centerline of Glebe Swamp; thence West along the centerline of Glebe Swamp to its intersection with State Route 616; thence in a south westerly direction along the centerline of State Route 616 to its intersection with U.S Route 17; a distance of 1.16 miles; thence in a southeasterly direction along the centerline of U.S. Route 17 right-of-way to its intersection with State Route 665; thence in a southerly direction along the centerline of State Route 665 to its intersection with the centerline of an unnamed tributary of Dragon Swamp; thence South along the centerline of said tributary to its intersection with the centerline of Dragon Swamp; thence in a northwesterly direction along the centerline of Dragon Swamp to its intersection with the centerline of State Route 602; thence East along the centerline of State Route 602 to its intersection with State Route 607; thence in a northeasterly direction along the centerline of State Route 607 to its intersection with State Route 606; a distance of 1.45 miles; thence East along the centerline of State Route 606 to its intersection with U.S. Route 17; a distance of 1.35 miles; thence South along the centerline of U.S. Route 17 to its intersection with State Route 602; a distance of 2.84 miles; thence East along the centerline of State Route 602 to its intersection with State Route 610; a distance of 0.62 mile; thence in a north easterly direction along State Route 610 to its intersection with the South branch of LaGrange Creek; a distance of 1.21 miles; thence East along the centerline of the South branch of LaGrange Creek to the point of confluence of the North and South branches of LaGrange Creek; thence in a southeasterly direction along the centerline of LaGrange Creek to its intersection with the centerline of Private Road LaGrange Lane at the point of beginning.

The polling place for the Immanuel Precinct shall be the Dragon Run Inn Bed and Breakfast, on State Route 602, in Middlesex County.

WATER VIEW PRECINCT

The Water View Precinct shall consist of the remainder of the Jamaica Election District. It shall be bounded on the South by the line separating Water View Precinct and Immanuel Precinct; on the West by the Dragon Run Swamp; on the North by the boundary with Essex County; and on the east by the Rappahannock River.

The polling place for the Water View Precinct shall be the Water View Firehouse on State Route 640.

URBANNA PRECINCT

The Urbanna Precinct shall consist of that part of Saluda Election District described as follows: Beginning at a point of intersection with the centerline of LaGrange Creek and Private Road LaGrange Lane; thence South along the centerline of Private Road LaGrange Lane to its intersection with Private Road Sun Beau Circle; a distance of 0.2 mile; thence South along the centerline of Private Road Sun Beau Circle to its intersection with Private Road Racetrack Road; a distance of 0.38 mile; thence in a northerly direction along the centerline of Private Road Racetrack Road to its intersection with Private Road Sunderland Creek Road; a distance of 0.7 mile; thence South along the centerline of Private Road Sunderland Creek Road to its intersection with State Route 676; a distance of 0.51 mile; thence in a southwesterly direction along the centerline of State Route 676 to the intersection with State Route 602; a distance of 0.87 mile; thence in a southeasterly direction along the centerline of State Route 602 to its intersection with State Route 1011; a distance of 2.14 miles; thence South along the centerline of State Route 1011 to the intersection with an unnamed road; a distance of 0.67 mile; thence in an easterly direction along the centerline of the unnamed road to its intersection with an unnamed road; a distance of 0.11 mile; thence in a northwesterly direction along the centerline of the unnamed road to its intersection with an unnamed road; a distance of 0.05 mile; thence South along the centerline of the unnamed road to its intersection with the centerline of Urbanna Creek; thence in a northeasterly direction along the centerline of Urbanna Creek to its intersection with the centerline of the Rappahannock River; thence in a north easterly direction to its intersection with LaGrange Creek; thence in a northwesterly direction along the centerline of LaGrange Creek to its point of intersection with the centerline of Private Road LaGrange Lane at point of beginning.

The polling place for the Urbanna Precinct shall be the Middlesex Volunteer Fire Department Building in Urbanna.

SALUDA PRECINCT

The Saluda Precinct shall consist of that part of the Saluda Election District described as follows: beginning at a point in the mouth of Urbanna Creek; thence along the center of Urbanna Creek to its intersection with the centerline of Glebe Swamp; thence East along the centerline of Glebe Swamp to its intersection of State Route 616; thence in a southwesterly direction along the centerline of State Route 616 to its intersection with U.S. Route 17, a distance of 1.15 miles; thence in a southeasterly direction along the center line of the U. S. Route 17 right-of-way to its intersection with State Route 665; thence in a southerly direction along the center line of State Route 665 to its intersection with an unnamed tributary of Dragon Swamp; thence along said tributary to Dragon Swamp; thence in a southeasterly direction along the center of Dragon Swamp and Piankatank River to a Virginia Power electric power transmission line which forms part of the boundary between Saluda Election District and Pinetop Election District; thence in a northerly direction along State Route 629; thence in a northwesterly direction along the center line of State Route 629 to its intersection with State Route 619; thence along the centerline of State Route 619 to its intersection with State Route 33; thence in an easterly direction along the center line of State Route 33 to its intersection with an unnamed tributary of Whiting Creek, 1400' east of the intersection State Route 696 and State Route 33; thence in a northerly direction along said tributary to Whiting Creek and continuing to the mouth of Whiting Creek thence along the Rappahannock River to the mouth of Urbanna Creek.

The polling place for Saluda Precinct shall be in the Public Meeting Room of the Cooks Corner Office Complex, on Route 33, Cooks Corner.

HARMONY VILLAGE PRECINCT

The Harmony Village precinct shall consist of that part of Saluda Election District not included in Urbanna Precinct or Saluda Precinct. Beginning at a point in the mouth of Locklies Creek; thence in a westerly direction along the centerline of Locklies Creek to its intersection with State Route 622; thence

in a northwesterly direction along the centerline of State Route 622 to its intersection with State Route 3; a distance of 0.52 mile; thence in a southwesterly direction along the centerline of State Route 3 to its intersection with State Route 624, commonly known as Syringa Road; a distance of 1.15 miles; thence in a southeasterly direction along the centerline of State Route 624 (Syringa Road) to its intersection with State Route 624, commonly known as Regent Road; a distance of 1.21; thence South along the centerline of State Route 624 (Regent Road) to its intersection with State Route 625; a distance of 0.24 mile; thence West along the centerline of State Route 625 to its intersection with State Route 33; a distance of 1.37 miles; thence in a southerly direction along the centerline of State Route 33 to its intersection with State Route 707; a distance of 0.5 mile; thence in a southerly direction along the centerline of State Route 707 to its intersection with State Route 629; a distance of 0.26 mile; thence in a northwesterly direction along the centerline of State Route 629 to its intersection with State Route 619; a distance of 2.56 miles; thence North along the centerline of State Route 619 to its intersection with State Route 33; a distance of 1.94 miles; thence in a southeasterly direction along the centerline of State Route 33 to its intersection with an unnamed road; a distance of 0.28 mile; thence in a northerly direction along the centerline of the unnamed road to its intersection with the centerline of the West branch of Whiting Creek; thence in a northerly direction along the centerline of Whiting Creek to the point of confluence of the East and West branches of Whiting Creek; thence North along the centerline of Whiting Creek to the centerline of the Rappahannock River; thence in a easterly direction along the centerline of the Rappahannock River to it intersection with the centerline of Locklies Creek; thence in a southwesterly direction along the centerline of Locklies Creek at point of beginning.

The polling place for Harmony Village Precinct shall be in the Pilot House Inn at Topping.

FREESHADE PRECINCT

The western boundary of Freeshade Precinct shall be the boundary between Pinetop Election District and Saluda Election District; the northern boundary shall be the Rappahannock River; the southern boundary shall be the Piankatank River; and the eastern boundary shall be a line separating Freeshade Precinct from new Market Precinct, described as follows: Beginning at a point in the mouth of Locklies Creek; thence in a westerly direction along the centerline of Locklies Creek to its intersection with State Route 622; thence in a northwesterly direction along the centerline of State Route 622 to its intersection with State Route 3; a distance of 0.52 mile; thence in a southwesterly direction along the centerline of State Route 3 to its intersection with State Route 624, commonly known as Syringa Road; a distance of 1.15 miles; thence in a southeasterly direction along the centerline of State Route 624 (Syringa Road) to its intersection with State Route 624, commonly known as Regent Road; a distance of 1.21; thence South along the centerline of State Route 624 (Regent Road) to its intersection with State Route 625; a distance of 0.24 mile; thence West along the centerline of State Route 625 to its intersection with State Route 33; a distance of 1.37 miles; thence in a southerly direction along the centerline of State Route 33 to its intersection with State Route 707; a distance of 0.5 mile; thence in a southerly direction along the centerline of State Route 707 to its intersection with State Route 629; a distance of 0.26 mile; thence in a northwesterly direction along the centerline of state Route 629 to its intersection with a Dominion/Virginia Power Transmission Line; a distance of 2.10 mile; thence in a southwesterly direction to its intersection with the centerline of the Piankatank River; thence in a southeasterly direction to its intersection with the centerline of Wilton Creek; thence North to its intersection with State Route 33; thence in a northeasterly direction along the centerline of State Route 33 to its intersection with State Route 628; a distance of 0.26 mile; thence North along the centerline of State Route 629 to its intersection with the centerline of the Rappahannock River; thence along the centerline of the Rappahannock River to its intersection with the centerline of Locklies Creek at point of beginning.

The polling place for Freeshade Precinct shall be in the Freeshade Community Center at Syringa.

NEW MARKET PRECINCT

The New Market Precinct shall consist of the remainder of Pinetop Election District. Begin at the point of intersection of State Route 628 and the Rappahannock River; thence South along the centerline of State Route 628 to its intersection with State Route 33; a distance of 2.29 miles; thence in a southwesterly

direction along the centerline of State Route 33 to its intersection with Wilton Creek; a distance of 0.26 mile; thence South along the centerline of Wilton Creek to its intersection with the centerline of the Piankatank River; thence East along the centerline of the Piankatank River to its intersection with the centerline of the Chesapeake Bay; thence North along the centerline of the Chesapeake Bay to its intersection with the centerline of the Rappahannock River; thence East along the centerline of the Rappahannock River to its intersection with the centerline of State Route 628.

The polling place for New Market Precinct shall be the Lower Middlesex Volunteer Fire Department building in Deltaville.

Section 6: *Should any section or provision of this Ordinance be declared to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.*

Present and voting:

<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Wayne H. Jessie, Sr.</i>	<i>aye</i>
<i>Robert A. Crump</i>	<i>aye</i>

RABIES CLINIC

Due to the increase in the number of rabies cases in the County, it was requested that a special clinic be held on April 29th; all parties involved have agreed to the proposed date. The motion to authorize the clinic was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

PAYROLL

The motion to approve payroll for the month of March was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 54580 through 54648 totaling \$242,113.94 were distributed as approved.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Checks numbered 54649 through 54694 totaling \$44,445.54 were disbursed as approved.

CLOSED SESSION

The motion to meet in Closed Session for discussions regarding the Rosegill and Courthouse litigation pursuant to Code of Virginia, §2.2-3711.A7 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, 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:

The motion to approve the settlement agreement and release agreement with Ritchie Curbow Construction, the contractor for the Courthouse, and authorizing the County Administrator and Chairman to sign such documents as are necessary to affect the settlement, was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Mr. Soberick noted that the agreement and settlement have nothing to do with litigation involving Wiley and Wilson.

Action:

Mr. Soberick requested action from the Board to approve him acquiring, either by negotiation or condemnation, parcel Tax Map 27-52A. The motion for the County Attorney to proceed was made by Mr. Crump, seconded by Mr. Crittenden and carried by a vote of three in favor (Miller, Crittenden, Crump) and two opposed (Williams, Jessie).

JAMESTOWN 2007 COMMITTEE

Mr. Miller updated the Board on the funding requested by the Jamestown 2007 Committee for various projects - \$2,500.00 for a calendar; \$5,000.00 for a book; \$1,400.00 for a historical marker that the Museum has been working on; in addition to the funding previously requested by the Maritime Museum. The Chair of the Committee has requested an appropriation of \$10,000 to cover the various projects; the Committee would then disburse the funds. Mr. Williams requested that this action wait until the next meeting. No further action was taken.

ADJOURN

There being no further business, the meeting was adjourned by motion of Mr. Crump, seconded by Mr. Williams and carried unanimously. The next regular meeting is scheduled for Tuesday, April 4, 2006, at 9:00 A.M.

John D. Miller, Jr., Chair
Board of Supervisors