

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 2 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The meeting was called to order at 9:00 A.M. by the Chairman, Mr. Miller. The meeting was opened with prayer by Mr. Crump and Pledge of Allegiance led by Mr. Culley. Mr. Crittenden was not present for the meeting.

MINUTES

The motion to approve the minutes of the April 4th, April 18th, and April 25th meetings as corrected was made by Mr. Crump and seconded by Mr. Jessie. The motion was carried unanimously, with Mr. Williams noting that he approved the April 4th and April 18th minutes, but could not vote on those from April 25th because he was not present for the meeting.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Williams seconded by Mr. Crump and carried unanimously. Checks numbered 54929 through 55011 totaling 127,3973.04 were disbursed as approved.

HIGHWAY MATTERS

Resident Engineer, Marcie Parker was present for the meeting.

Paving:

Mrs. Parker announced that paving would begin Thursday, May 4th in the Saluda area, with it beginning at the Hardees end. The contractor will pave around court and school schedules and the job should take a total of approximately two weeks. Other projects included in the paving schedule are Route 628 and the southbound by-pass.

Primary Roads Six Year Plan:

The deadline for submitting comments regarding the primary road six-year plan is May 20th. The signal at Route 620 is scheduled for advertisement in FY 07. No new money has been included in the bike path project.

Rt. 3/622:

Re-stripping has been completed at this intersection.

Rt. 3/33 – Harmony Grove:

Another study is in progress for this intersection. Board members commented that the study needed to include the weekend traffic, since the issue is a weekend problem.

Route 629, Healy's Mill Pond:

Mrs. Parker confirmed her interpretation of a letter the Board would be receiving from David Ogle, District Administrator, regarding repairs of Route 629, this being that any repairs by VDOT would have to be by using secondary road funds and would require commitment from the Board of Supervisors and the property owner. Nothing will be done, including any investigation into repairs or temporary repairs, until there is an agreement with the property owner. The property owner is still denying that he owns the dam. According to Mrs. Parker, a temporary one-way ramp structure and signal light would probably cost more than the permanent repair.

Gravel needed:

Mr. Williams requested that gravel be added to the edge of pavement at the driveway across from Wilton Cottage.

Signal at Cooks Corner:

Mr. Miller requested that Mrs. Parker have the signal checked at the Cooks Corner light, especially with consideration to having a leading green for the left turn onto Route 641.

Assistant Resident Engineer:

Mrs. Parker announced that Joyce McGowan has replaced Sean Trapani as the Assistant Resident Engineer for the Saluda Residency.

CONSTITUTIONAL OFFICERS

[Treasurer](#)

Mrs. Bray reported that the tax bills will be mailed next week. She also has received additional information on the use of permanent decals, including sample ordinances.

Commissioner of Revenue:

Mrs. Stephenson stated that her report was included in the Board's packet of information.

PPTRA:

The motion to adopt the Personal Property Tax Relief Act rate for FY 07 at 66% was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. This percentage is based on the estimated number of vehicles in the county divided by the amount of money received from the State. This percentage will drop each year as the number of vehicles increases.

Sheriff

Sheriff Abbott informed the Board that he would be letting an employee go who was also going to be investigated by the State Police. By Federal law the deputy is due to be paid for his comp time, which amounts to \$5,000.00; the Sheriff does not have to pay unused annual or sick leave. Mr. Soberick questioned whether there was a cap on comp time. The Sheriff's employees do not fall under the County's personnel policy, which has a cap of 120 hours, however, because the County is responsible for paying it, the Board should suggest a limit that the Sheriff can adopt. The Sheriff indicated that he had difficulty setting a limit of comp hours for some key employees because he needs them to be available more. Mr. Williams suggested the Sheriff get with the County Administrator and County Attorney to develop a policy. The Sheriff said that he uses the same policy and time sheets used by the State.

Mr. Crump made a motion to appropriate \$5,000.00 to cover the comp time for the discharge of this employee. Sheriff Abbott stated that he really needed \$15,000.00 because he has also been paying unemployment compensation that was not included in the budget and has gone over several other lines in his budget.

Mr. Crump amended his motion to approve an appropriation of \$15,000.00 to cover the Sheriff's Department expenditures through June 30th. This motion was seconded by Mr. Jessie and carried unanimously.

Mr. Williams suggested having new deputies sign a contract of employment when they were hired; the Sheriff is considering this. He noted, however, that the County cannot be compensated for all the costs of training a new employee that leaves employment.

The Sheriff also thanked Mr. Williams for his suggestion for leaving one of the Crossing Guard cars at the school rather than driving them both to the Wake area where the guards live.

SCHOOL MATTERS

Dr. Oliver Spencer, Superintendent, and Mr. James Goforth, School Board Chairman, were present. Dr. Spencer reported that the Average Daily Membership was reported to the state at 1276 students. Dr. Spencer thanked the Board for their consideration of the School Board's budget requests. Mr. Goforth requested a closed session with the Board. This would be conducted later in the meeting.

Appropriation:

The motion to approve an appropriation of an insurance claim refund for stolen computers was made by Mr. Crump, seconded by Mr. Williams and carried unanimously: FROM: 3-23-18030-0006 - \$4,951.50 TO: 4-23-60010-6210.

School Budget:

The motion to adopt the following resolution regarding the school budget for FY 2007 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously:

**2006-2007 MIDDLESEX SCHOOL BUDGET
APPROPRIATION RESOLUTION**

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

HEREAS, the Middlesex County Board of Supervisors has held a public hearing for the School
W Board's Budget for fiscal year 2006-2007; and

HEREAS, the Middlesex County Board of Supervisors has included funds in the County General
W Fund for School Operations Fund in the amount of \$6,664,996.00, and in the School's Textbook Fund of \$77,126.00, and in the School's Capital Improvement Fund of \$72,000.00, and

HEREAS, the Middlesex County School Board has adopted a General School Fund Budget for the
W fiscal year 2007, and

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

<i>Instruction</i>	<i>\$8,710,291.00</i>
<i>Administration, Attendance & Health</i>	<i>\$729,895.00</i>
<i>Pupil Transportation</i>	<i>\$799,767.00</i>
<i>Operation & Maintenance</i>	<i>\$1,340,203.00</i>
<i>Debt Service - Local Money</i>	<i>\$945,096.00</i>
<i>State Funds – Debt Service</i>	<i>\$231,896.00</i>
<i>Total School General Fund</i>	<i>\$12,757,148.00</i>

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

<i>School Food Fund</i>	<i>\$456,510.00</i>
<i>Textbook Fund</i>	<i>\$131,515.00</i>
<i>Capital Improvement Fund</i>	<i>\$72,000.00</i>

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

CONNECT RAPPAHANNOCK

Mrs. Leslie Franklin was present to explain a web-based information program for the Middle Peninsula and Northern Neck Counties.

LOCKLIES CREEK

Mr. Culley explained that watermen who use the County dock at Locklies Creek desire to install two new bow pilings and replace two stern pilings that would be used to tie their boats. The watermen had originally requested that the new pilings be placed approximately 55 feet from the dock, however, there only appears to be room for the pilings to be placed within 35 feet. The adjoining marina owner has received numerous complaints that an additional boat that has begun tying up at the County dock is blocking his ramp. Board members reviewed an aerial photograph that showed the approximate location of the property line and recent photographs that showed a workboat that could make it difficult for people using the ramp to get their boats in the water. Mr. Buddy Muse, one of the watermen who use the dock, agreed with the Board members that it did appear that the workboat was over the property line, however, the boat on the other side appeared to be within the limits.

The Board decided to have a survey made of the property before any decision was made on the pilings, since the survey may impact the proposed location.

CLOSED MEETING

The motion to convene in closed session to discuss pending litigation regarding Rosegill, pursuant to Code of Virginia §2.2-3711.A7 and potential land acquisition, pursuant to Code of Virginia §2.2-3711.A6 was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crump, seconded by Mr. Williams 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.A6 and 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:

There was no action regarding the Closed Session with the School Board representatives.

Mr. Soberick requested a motion to confirm that the index of documents that he had presented to the Board in Closed Session were those documents that the Board of Supervisors relied upon for making their decisions regarding the Rosegill property in Rezoning Application #2004-04 and Special Exception Application #2005-04. The following motion was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously: "I move that the Board certify that the attached index of documents prepared by the Planning Director and attached to the minutes of this meeting including minutes of all public hearings, constitutes the complete record on which the Boards' approval of Rezoning Application No. 2004-04 and Special Exception Application No. 2005-04 were based." The index of documents follows:

INDEX OF DOCUMENTS CONSTITUTING RECORD IN REZONING APPLICATION #2004-04 AND
SPECIAL EXCEPTION APPLICATION #2005-04

1. Rezoning /Ordinance Amendment Application R-2004-004
2. Special Exception Application #SP Ex. 2005-004
3. Rosegill-Summary of Proffers
4. Rosegill Proffers-Case Number 2004-04
5. Middlesex County Rosegill Community Impact Statement-Version 2:1/11/2006
- 5a. Rosegill Community Impact Statement Addendum Number One dated July 2, 2004
6. Rosegill Illustrative Master Plan
7. Rosegill Conceptual Site Plan
8. Rosegill Community Pattern Book-June 2005
9. Rosegill Community Pattern Book with Supplemental Pages-May 2005
10. Rosegill –Fiscal Impact Analysis dated November 30, 2004
11. Rosegill Community Impact Statement dated June 10, 2004
12. Rosegill Traffic Impact Study dated June 10, 2004
13. Rosegill Comments Received July 13, 2004
14. Rosegill Homeowners Association Design Guidelines Handbook
15. Builder Design and Architectural Review Guidelines
16. Rosegill Signage Plan
17. Memorandum dated April 6, 2005 from Planning Director to applicant regarding how proffers could be improved
18. Planning Commission Staff Report and letter dated December 13, 2004 from attorney to applicants to allow Planning Commission to conduct work session
19. Memorandum dated March 30, 2005 to applicants regarding additional questions from Planning Commission
20. Memorandum dated August 3, 2005 from Planning Director to Board of Supervisors re: Rosegill Development
21. Minutes of Middlesex County Planning Commission meeting of July 8, 2004
22. Minutes of Middlesex County Planning Commission meeting of August 12, 2004
23. Minutes of Middlesex County Planning Commission meeting of December 9, 2004
24. Minutes of Middlesex County Planning Commission meeting of January 13, 2005
25. Minutes of Middlesex County Planning Commission meeting of February 10,2005
26. Minutes of Middlesex County Planning Commission meeting of March 17, 2005

27. Minutes of Middlesex County Planning Commission meeting of April 14, 2005
28. Minutes of Middlesex County Planning Commission meeting of May 12, 2005
29. Memorandum dated May 6, 2005 from Planning Director to Planning Commission re: updated comments
30. Correspondence dated July 29, 2005 from County Administrator to Board of Supervisors re: Rosegill rezoning
31. Memo dated November 17, 2004 from Planning Director to Planning Commission re: Rosegill rezoning
32. Board of Supervisors Staff Report-rezoning #2004-04
- 32a. Board of Supervisors Staff Report-Updated Version-January 10,2006-Special Exception #2005-04
- 32b. Board of Supervisors Staff Report-Updated Version-January 10,2006-Rezoning #2004-04
33. Letter from Department of Historic Resources dated July 23, 2005
34. Letter from National Trust for Historic Preservation dated January 12, 2006
35. Notice of Public Hearing to Southside Sentinel dated January 3, 2006
36. Rosegill Community Plan Book
37. Letter dated February 25, 2004 from Planning Director to attorney re: Rosegill Development re: impact
38. Letter dated March 28, 2005 to Planning Director from JoAnne Hensley re: questions about Rosegill
39. Planning Commission Staff Report
40. Letter dated September 17, 2004 from Rosegill attorney re: Sewer and Water for Rosegill
41. Memorandum dated July 29, 2005 from County Administrator to Board of Supervisors re: Rosegill
42. Letter with attachments dated July 2, 2004 from attorney to Planning Director re: Historic Rosegill
43. Letter of July 22, 2005 from County Attorney to Planning Director re: validity of proffers
44. Memorandum dated April 7, 2005 with numerous letters from citizens attached
45. Letter dated August 1, 2005 to Middlesex County Board of Supervisors and Middlesex County Planning Commission from David E. Cottrell
46. Letter of Vance Bishop to Notice of Planning Commission Public Hearing indicating no objections
47. Letter dated April 29, 2005 from Virginia Department of Transportation re: district comments to Rosegill rezoning
48. Letter dated August 3, 2005 from Williams Mullen to County Attorney re: conservation easements
49. Letter dated July 27, 2005 from Bay Design Group re: wastewater treatment and disposal system proposed for Rosegill
50. List of speakers at Rosegill Public Hearing 6-21-05
51. January 3, 2006-Notice of Public Hearing
52. Memo dated September 20, 2005 from Charles P. Austin opposing Rosegill Special Exception #2005-04
53. Letter dated October 6, 2004 from County Attorney re: sewer system-Rosegill
54. Letter dated January 10, 2006 from Hogan & Hartson
55. Affidavit of Planning Director re: public notifications
56. Public notice dated January 3, 2006
57. Letters from citizens re: Rosegill rezoning
58. Letter dated July 22, 2005 from County Attorney re: Rosegill proffers
59. List of adjoining property owners

APPROPRIATION REQUESTS

FROM: 3-1-23060-0001 - \$5,221.00 TO: 4-1-13020-5413. Appropriation of funds received from the State for new computer equipment. Motion to approve by Mr. Williams, seconded by Mr. Crump and carried unanimously.

FROM: 3-1-41060-0001 - \$13,000.00 TO: 4-1-13010-3002. Appropriation of funds needed for the Electoral Board due to the additional elections this year. There is still a Democratic Party election to be held in June. Motion to approve by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

VIRGINIA COOPERATIVE EXTENSION

Mr. David Moore and Mr. Carl Theil-Goin were present to represent the Virginia Cooperative Extension Service. Mr. Moore informed the Board that the Extension Service is encouraging the planting of red, white and blue anniversary gardens in celebration of the Jamestown anniversary. In addition, a new horticultural agent, Megan Gardner, has been hired and will be based in the Middlesex office.

APPOINTMENT

The motion to appoint Mr. G. Leslie Hockman to serve as an at-large representative on the Airport Committee, with a term to expire August 31, 2006 was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PLANNING ISSUES

Chesapeake Bay Local Assistance Department:

Matt Higgins, Planning Director, and Mr. Culley requested the Board's guidance in how to respond to CBLAD's audit requirement that the County establish a new program for septic tank pump-out. In order to comply with the terms and requirements of the program as described in a March 21, 2006 letter from Ms. Joan Salvati, additional staff would be needed. The requirements outlined in the letter are in conflict with statements made by Ms. Salvati during a March 2nd meeting with Mr. Higgins, Mr. Culley and Commissioner of Revenue, Mary Lou Stephenson. At that meeting, Ms. Salvati confirmed that all that was needed to comply with the requirements was to notify citizens within the Chesapeake Bay Preservation areas of the need to have septic tanks pumped every five years. She had agreed that all property owners could be notified of the recommendation by adding a statement to their tax bill. There is additional contradiction between Ms. Salvati's letter and what the law requires. Ms. Salvati has written that everyone in the Preservation areas is to be notified and their pump-outs tracked. According to Mr. Higgins, the law only requires that pump-outs be required for those houses in Preservation Areas that were constructed after implementation of the Bay Act, which for Middlesex would be 1993.

Board members agreed that nothing should be done to implement CBLAD's requirements at this time. Mr. Jessie said that in the long run requiring a homeowner to have his tank pumped every five years would be beneficial and suggested checking into the costs to implement the program. The other Board members agreed that Mr. Higgins should put together those costs for study.

Capital Improvement Plan:

Mr. Higgins requested the Board's input on whether to use another volunteer committee or an appointed committee for updating the capital improvement plan. The Board agreed to appointing the following persons to the Committee: J. D. Davis and John England from the Planning Commission, Ray Kostas from the Saluda District, George Guhse from the Jamaica District, and a Pinetop District representative to be later named.

Subdivision Streets:

Mr. Higgins advised the Board that the General Assembly has reversed previous actions by the Department of Transportation regarding subdivision streets and rural addition funds, where VDOT threatened to revoke rural addition funds from counties that did not make specific changes to their subdivision street standards. The Board of Supervisors had approved Ordinance Amendment #2005-06 several months ago to comply with the regulations.

In response to HB 1543, the Board has several options:

1. Retain the current regulations, whereby all subdivision streets would have to comply with the 2005 VDOT subdivision Street Standards.
2. Revert to the previous regulations, whereby all minor subdivision streets would be able to provide a 40' right-of-way and 20' paved surface for ingress/egress. Major subdivision streets would still have to comply with the 2005 VDOT Subdivision Street Standards.
3. Request that the Planning Commission consider another alternative that would fall somewhere in between these two options.

Board members were in agreement that the Planning Commission would review the issue and make a recommendation.

COMMITTEE REPORTS:

Mr. Jessie: Attended the Social Services Board meeting; the Museum Board is working on the language for the historical marker and working on a Sunday afternoon walking tour of Saluda; met with the Oyster Festival Committee – they will use barricade fencing to block the parade route.

Mr. Williams: Attended the Social Services Board meeting and Planning District Commission meeting;

Mr. Crump: Attended the Comprehensive Policy and Management Team meeting, attended the emergency coordinators meeting in Kilmarnock, attended the Airport Committee meeting in place of Mr. Crittenden.

Mr. Miller: Attended the Planning District Commission, Dragon Run Steering Committee, Emmanuel Baptist Church Fellowship Hall/Education Wing dedication; attended the VACo Region 2 meeting, and the Disability Services Board meeting.

ADJOURN

There being no further business, the meeting would adjourn until the next regular meeting scheduled for May 16, 2006, at 7:30 p.m.

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