

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, OCTOBER 17, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Robert A. Crump, Saluda District
Fred S. Crittenden, Pinetop 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

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

PUBLIC HEARING – ORDINANCE AMENDMENT 2006-06

Planning Director, Matthew Higgins, presented ordinance amendments proposed for Article 6, Subdivision Improvements and Article 9, Definitions, of the Middlesex County Subdivision Ordinance. The purpose of the amendment is to provide criteria for suitable open space for major subdivisions as follows: (1) amend Article 6, Section 6-10 by adding "suitability criteria" for open space; (2) amending Article 6, Section 6-10 by prohibiting future subdivision of open space; and (3) adding associated definitions regarding open space to Article 9. The following amendments are proposed: if an average lot size in the subdivision is less than 1 acre, 30% of the total land must be reserved for open space; lot sizes 1 acre to less than 2.5 acres – the open space must be 20%; 2.5 acres to less than 5 acres – 10% must remain in open space; and if lot sizes are greater than 5 acres – no open space is required. As currently proposed, the "suitability criteria" would exclude certain areas from being counted as common open space, such as lot, driveways, parking areas, streets, utility easements, best management practice areas and submerged lands. Resource Protection areas could potentially be counted as common open space if measures are taken to make that RPA accessible to all community residents for waterfront access and outdoor recreation. The amendment would also provide a minimum size for contiguous open space (1 acre), designate how much passive and open space could be provided in a major subdivision, and establish buffers for major subdivisions from primary roads at 250 feet and secondary roads at 60 feet.

Mr. Miller opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Board members discussed the proposals. Mr. Williams objected to such a large amount of land being required to remain in open space. Mr. Williams questioned if this amounted to a "taking" of land. Mr. Soberick

stated that it did not. Mr. Crittenden stated that lakes should be counted as open space if it can be recreational. Mr. Higgins stated that use of lakes was in his original proposal. The Board agreed that ponds and lakes not open to use by the entire development should be excluded from open space. Mr. Crump suggested wanting to study the proposals for a little bit and made a motion to table action. The motion was seconded by Mr. Williams and carried unanimously.

VOTING CREDENTIALS

The motion to appoint Mr. Williams as the voting representative of the County at the Virginia Association of Counties annual meeting, with Mr. Miller as the alternate, was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

TRACTOR

Prices have been obtained on three (3) comparable tractors that could be used at the airport: Massey Ferguson 533 - \$11,495.00; Kubota MX 500 - \$12,500.00; John Deere 5203 - \$13,970.00. The Department of Aviation has tentatively approved reimbursement of 50% of the lowest priced unit. The motion to approve the purchase of the \$11,495.00 tractor with reimbursement from the State was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

VEHICLE

Board members were presented with a cost proposal for purchasing a 2007 Ford Expedition on a municipal lease/purchase plan from Richmond Ford, at a price of \$31,898.00. Money is currently in the budget to cover the lease payments. This price is \$300.00 over the dealer cost and is lower than the list price. There are currently no vehicles of this size on the state vehicle contract and none of the surrounding dealers have provided written quotes. The Taurus would be turned over to the Planning Department.

Mr. Williams suggested keeping the Taurus for Administration and getting a new, smaller vehicle in the \$14,000 range, for the Planning Department. Mr. Crittenden agreed, stating that a large SUV was a poor investment. Mr. Crump disagreed, saying that he believed it was a necessary item, to be used by the Board of Supervisors and emergency services for towing the trailer purchased with Homeland Security funds. Mr. Jessie commented that if the vehicle is multi-use he does not consider it to be splurging. The motion to purchase the vehicle was made by Mr. Crump and seconded by Mr. Jessie. The motion carried by vote of three (3) in favor (Crump, Jessie, Miller) to two opposed (Williams and Crittenden).

NEW STREET NAME

The motion to approve the name of Woodland Heights Lane for a private road located off Route 33 just behind the Saluda Park and Ride was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously. It was determined that the other names submitted by the applicants were not substantially different from already existing names.

PAYROLL

The motion to approve payroll for the month of October was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 56431 through 56497 totaling \$281,298.67 were distributed as approved.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. Checks numbered 56498 through 56595 for \$84,261.50 were disbursed as approved.

CLOSED MEETING

The motion to meet in Closed Session to discuss items related to contracts and the reassessment proposal, pursuant to §2.2-3711.A6, was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crittenden 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 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

The following action was taken:

The motion to suspend negotiations with Wingate and Associates for reassessment services was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. The motion to enter into negotiations with Tri-County Appraisal was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

ADJOURN

There being no further business, the meeting was adjourned by motion of Mr. Crump, seconded by Mr. Jessie and carried unanimously.

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