

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, APRIL 17, 2007, 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. Following a moment of silence for victims of the Virginia Tech shootings, Mr. Miller offered a prayer and Mr. Culley led the group in the Pledge of Allegiance.

**COMPLIANCE WITH VOTING RIGHTS ACT**

Robert Tassone, Chairman of the Electoral Board introduced J. Gerald Hebert, the attorney working on the "bailout" requirements for the County. Mr. Hebert explained that the County was able to file for compliance with the Voting Rights Act which, if approved, would eliminate pre-clearance requirements and 60-day waiting periods for any changes made to local voting ordinances. Mr. Miller opened the hearing for comments. There being no comments, the public portion of the hearing was closed. No action was required by the Board.

**PUBLIC HEARING – SPECIAL EXCEPTION 2007-04**

Mr. Culley explained that no action had been taken had been taken by the Planning Commission on this application, therefore, no action could be taken by the Board. Mr. Miller opened the public hearing. The motion to continue the public hearing to the May 15<sup>th</sup> meeting of the Board of Supervisors was made by Mr. Crump, seconded by Mr. Jessie and carried.

**PUBLIC HEARING – ORDINANCE AMENDMENT 2007-04**

No action was taken by the Planning Commission on this application; therefore, no action could be taken by the Board. Mr. Miller opened the public hearing. The motion to continue the public hearing to the May 15<sup>th</sup> meeting of the Board of Supervisors was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

## **REZONING APPLICATION 2006-06, EUGENE RUARK**

Mr. Higgins explained the Board of Supervisors options with this application. According to Mr. Higgins, the proffers cannot be changed, however, the Board can choose to not accept some; the project could also be approved in phases and the application cannot be sent back to the Planning Commission for review. If substantial change is made to the application, then the applicant can reapply. The Planning Commission had recommended approval of the application; staff had recommended approval with some changes to the open space that was proffered.

Mr. Crump made a motion that the Board approve Phase 1 of the project, denying the remainder of the project, waiving the fee for a new application should Mr. Ruark choose to reapply for remaining phases, and approving the proffers applicable to Phase 1 (1,5,8-15, 18, 21, 22, 26). Approval of only Phase 1 would require this phase to meet the 30% open space requirement on its own, leaving 28 of the total 40 acres available for development and a proffered maximum of 31 lots. At the maximum number of lots, density would be .83 units per acre, which equals other recent developments. The motion was seconded by Mr. Williams and carried unanimously.

Mr. Crump suggested that the developer take into consideration the comments heard at the public hearing when considering a new application with proffers for the remainder of the property. Other Board members suggested that the proffer mechanism be changed to allow proffers to be revised. Charles Records, attorney for the applicant, noted that all localities are different; however, Middlesex County has one of the strictest policies. Mr. Higgins noted that this protects the Board from any suspicion of malfeasance.

## **PLANNING MATTERS**

Matthew Higgins, Planning Director, advised the Board that the Chesapeake Bay Local Assistance Board has made it clear that every septic system in the Resource Protection Area is subject to septic pump out regulations. In the past, the County has said that the regulations only apply to tanks installed after 1993 when the Chesapeake Bay regulations were adopted in the County, and all others are grandfathered. Mr. Higgins questioned whether the Board wished to proceed with an appeal process or adopt the CBLAD policy. Mr. Williams noted that CBLAD made the law and it is their interpretation; the county would never win an appeal. Mr. Higgins expressed his concern with enforcement of the regulation. The motion to proceed with requiring everyone in an RPA to comply to pump out regulations was made by Mr. Williams. There was no second; the motion carried unanimously.

Mr. Higgins noted that CBLAD has offered a grant opportunity to help fund the septic tank pump out process. The motion to apply for funding was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously.

### **STREET NAME REQUEST**

Mr. Culley presented an application to name a new street off of Blue Barn Road in the Wake area. The first name chosen by the applicants was already in use in another part of the County. The motion to approve Blue Water Road, their second choice, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

### **LAW ENFORCEMENT COMMUNITY DAY**

Keith McAuley, American Legion Post Commander, invited the Board to join the Legion for a law enforcement community day to be held at the American Legion Building in Saluda.

### **ART GUILD DONATION**

The Middlesex County Art Guild requested a donation from the Board of Supervisors to be used toward their Art on the Half Shell festival. The motion to approve a contribution of \$450.00, the same as last year, was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

### **WASTE WATER TREATMENT PLANT OPTIONS**

The motion to have the engineer proceed with design of a system using Option 1, to include the business location near the intersection of Route 17 and Route 17 Business, was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

### **DISBURSEMENTS**

The motion to approve disbursements was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Checks numbered 58183 through 58251 for \$63,419.69 were disbursed as approved.

### **PAYROLL**

The motion to approve payroll for the month of April was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Checks numbered 58121 through 58182 totaling \$275,952.07 were distributed as approved.

## **PAVING**

The Board reviewed the bids submitted for repaving and striping parking lots at three County locations. Bids were received from R & W Contractors - \$6,881.00; Remac, Inc. - \$7,008.87; and Mid-Atlantic Paving & Sealing - \$7,450.00. The motion to accept the bid from R & W Contractors was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

## **RESCUE SQUAD BUILDING**

Mr. Williams stated that he had been contacted by a representative of the Middlesex Rescue Squad, Deltaville, stating their desire to construct a building on County property leased to the YMCA. This location would be more central to their coverage area. Board members expressed no opposition to the plan, however, it was noted that the YMCA would have to approve the proposal.

## **RECESS**

There being no further business, the meeting was recessed until the budget public hearing to be held on April 26, 2007.

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