

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, FEBRUARY 20, 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. and offered a prayer. Mr. Culley led the group in the Pledge of Allegiance. There being a large number of people present for the meeting, the Chairman moved the meeting to the Courtroom next door.

PUBLIC HEARING – VIRGINIA DEPARTMENT OF TRANSPORTATION – SIX-YEAR PLAN FOR SECONDARY IMPROVEMENTS AND BUDGET FOR FY 08.

Joyce McGowan, Assistant Resident Administrator, presented the proposed improvements included in the six-year plan and proposed budget for FY 08. The plan included the same projects proposed at the work session with the Board of Supervisors held on December 5, 2006. Mr. Miller opened the hearing for comments from the public.

Kay Kauffman requested that the Board consider adding North Shore Road and North Shore Circle, both in North Shore Subdivision, to the priority listing for rural additions. There are currently 11 homes in the development and six vacant lots. The subdivision was platted in 1992. There being no further questions, the public portion of the hearing was closed.

Mr. Williams requested the status of Route 669, Brandon Point Road. Mrs. McGowan stated that she believed that Route 669 was being considered for the Rural Rustic Road program. She would look into the status of the project. Mrs. McGowan would also look into the platting deadlines for entering a road into the rural addition program. There being no further questions or comments from the Board, the motion to adopt the following resolution was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

At a regular meeting of the Board of Supervisors of the County of Middlesex, held at the Middlesex County Courthouse on February 20, 2007 at 7:30 p.m.

Present were:

John D. Miller, Jr.
Robert A. Crump
Kenneth W. Williams
Wayne H. Jessie, Sr.
Fred S. Crittenden

On motion by Mr. Williams, seconded by Mr. Crump and carried:

WHEREAS, Sections 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan,

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2007/08 through 2012/13) as well as the Construction Priority List (2007/08) on February 20, 2007 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Joyce McGowan, Assistant Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2007/08 through 2012/13) and the Construction Priority List (2007/08) for Middlesex County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Middlesex County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2007/08 through 2012/13) and Construction Priority List (2007/08) are hereby approved as presented at the public hearing.

A COPY,

TESTE:

Charles M. Culley, Jr. County Administrator

PUBLIC HEARING – VOTING PRECINCTS ORDINANCE

Rev. Mann, representing the Electoral Board, was present to request the Board approve the proposed changes to the Voting Precincts Ordinance. These changes are being made to assist with compliance with the Americans with Disabilities Act, by moving polling sites to locations that are more accessible to the handicapped. Mr. Miller opened the public hearing for comments from the public. There being no comments or questions, the public portion of the hearing was closed.

The motion to adopt the amendments to the ordinance as proposed was made by Mr. Crump, seconded by Mr. Jessie 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 July 18, 2006 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 February 20, 2007.

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
<i>Jamaica Election District</i>	
Church View Precinct	Church View
Water View Precinct	Water View
<i>Saluda Election District</i>	
Urbanna Precinct	Urbanna
Saluda Precinct	Saluda
Harmony Village Precinct	Topping
<i>Pinetop Election District</i>	
Wilton Precinct	Hartfield
New Market Precinct	Deltaville
<i>Central Absentee Precinct (CAP)</i>	
Central Absentee Precinct	Saluda - Central Location Adjacent to the Registrar's Office

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

CHURCH VIEW PRECINCT

The Church View 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 Hermitage Baptist Church, 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 its 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.

WILTON PRECINCT

The western boundary of Wilton 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 Wilton 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 Wilton Precinct shall be in the YMCA Building at Hartfield.

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 Middlesex Volunteer Rescue Squad building in Deltaville.

CENTRAL ABSENTEE VOTER PRECINCT

A precinct established to receive, count and record absentee ballots cast within the County of Middlesex for all elections held in the County (except for town elections).

The polling place shall be located adjacent to the Registrar's Office in Saluda.

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:

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

February 20, 2007

A Copy Teste:

Charles M. Culley, Jr.
Clerk, Middlesex County Board of Supervisors

PUBLIC HEARING – MOTOR VEHICLE LICENSE TAX ORDINANCE

Mr. Culley presented the proposed changes to the Motor Vehicle License Tax Ordinance which would remove the requirement to purchase a decal by March 15th of each year as proof that the motor vehicle license tax and personal property tax had been paid. The tax charged in the past will be added to the individual personal property tax which is due in December. Mr. Culley noted that permanent decals would still be required so that vehicles using the trash disposal sites could be identified.

Mr. Miller opened the hearing for comments from the public. There being no comments or questions, the motion to adopt the ordinance as proposed was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

MOTOR VEHICLE LICENSE TAX ORDINANCE
BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX
COUNTY, VIRGINIA that:

Section 1. License Tax Payment Prerequisite to Driving Motor Vehicle on Highways in County.

No motor vehicle subject to a license tax under this article shall be driven on any of the highways of the County unless the requisite license tax has been paid.

Section 2. Levy of License Tax.

There is hereby imposed a license tax upon every person, firm or corporation owning a licensed motor vehicle, including automobiles, trucks, trailers, campers, motor homes and motorcycles, regularly housed, garaged or stored in the County of Middlesex and used or intended to be operated upon the streets or highways in the County of Middlesex except as herein otherwise specifically provided. The

provisions of this ordinance shall not apply to any person who does not legally reside in Middlesex County, and who does not use his motor vehicle in Middlesex County in the conduct of his business, occupation or profession. The word "reside" as used in this section shall be construed to mean "to have a place of abode in Middlesex County", irrespective of the intentions of any person to return to same residence outside of Middlesex County at some future time.

Section 3. Amount of License Tax.

- (a) On each and every automobile, bus, motor home or truck, a license tax of TWENTY DOLLARS (\$20.00) per annum.
- (b) On each and every licensed trailer or camper, there shall be a tax of TEN DOLLARS (\$10.00) per annum.
- (c) On each and every motorcycle, motor scooter and vehicle of like design, there shall be a tax of SEVEN DOLLARS AND FIFTY CENTS (\$7.50) per annum.
- (d) Active National Guard decals (property registration cards identifying same) shall be issued decals at ONE-HALF (\$10.00) of the normal fee.

The license tax year shall commence on the sixth day of December and shall expire on December 5th of each year.

Section 4. Certain Vehicles Exempt from License Tax.

- (a) One vehicle owned by (each qualified volunteer fire department and rescue squad worker. This exemption shall be issued only upon written information submitted to the Treasurer of Middlesex County by the President/Chief of the Fire Department and/or by the President/Captain of the Rescue Squad.
- (b) Vehicles owned by any former Prisoner of War and Congressional Medal of Honor holders of Virginia State license plates identifying same.
- (c) Vehicles owned by Disabled Veterans with Virginia State license plates identifying same with "DV".
- (d) Vehicles with antique or vintage tags that have expiration date of '99999999'.

Section 5. Application for License; Date of Payment

Every person whose duty it is to comply with the provision of this article, upon payment of required tax, and upon specific request, shall be issued as evidence a receipt showing payment of the applicable license tax. The required tax hereunder shall be paid on or before December 5 of each year for the following tax year.

Section 6. Tax Paid into General Fund

All taxes and fees collected under the provisions of this ordinance shall be paid to the Treasurer of Middlesex County and shall be deposited by said Treasurer in the same manner as that prescribed for other funds.

Section 7. Payment of Personal Property Taxes Prerequisite to Issuance of License.

No license shall be issued under this Ordinance unless and until the applicant for such license shall have produced satisfactory evidence that all personal property taxes which have been properly assessed, have been paid.

Section 8. Violation/Penalty.

(a) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than FIVE DOLLARS (\$5.00) nor more than THREE HUNDRED DOLLARS (\$300.00).

(b) If any person shall fail or refuse to pay the license fee required by this Ordinance within the time specified, there shall be added by the Treasurer to the license fee owed, a penalty of Ten Dollars (\$10.00) for each license vehicle fee.

Section 9. Effective Date.

This ordinance shall become and be in full force and effect January 1, 2008, and thereafter and shall supersede any and all ordinances previously in effect with respect to the licensing of motor vehicles by Middlesex County, which are repealed to the extent that they conflict with the provisions of this ordinance.

Adopted by the Board of Supervisors of Middlesex County, Virginia, on February 20, 2007.

	YES	NO
Fred S. Crittenden	X	
Robert A. Crump	X	
Kenneth W. Williams	X	
John D. Miller, Jr.	X	
Wayne H. Jessie, Sr.	X	

CERTIFICATION

I, Charles M. Culley, Jr., Clerk of the Board of Supervisors of the County of Middlesex, Virginia, certify that the foregoing is a true and correct copy of an ordinance passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 7:30 P.M., on February 20, 2007.

Charles M. Culley, Jr., Clerk

PUBLIC HEARING – ORDINANCE AMENDMENT 2007-02, FLOOD PLAIN ORDINANCE

Matthew Higgins, Planning Director, discussed the proposed changes to the County’s Flood Plain Ordinance. There have been no amendments to the ordinance since its adoption in 1990 and it was found by the Division of Dam Safety and Floodplain Management, Virginia Department of Conservation and Recreation to be out of compliance with significant Federal and State requirements. Due to the number of deficiencies present, staff determined that the best course of action would be to rescind the existing Floodplain Ordinance and adopt a version of the State’s model Floodplain Ordinance. Substantive changes to the ordinance have been proposed by Mr. Higgins and David Selph, the County’s Building Official and include the following:

1. establish review requirements for all permit applications to determine whether proposed building sites will be reasonably safe from flooding;

2. establish review of all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to minimize flood damage, to reduce exposure to flood hazards and to provide adequate drainage;
3. require that onsite waste disposal systems within flood-prone areas be located and designed to avoid impairment to them or contamination from them during flooding;
4. require that all new subdivision proposals and other proposed developments greater than 50 lots or 5 acres, whichever is lesser, include within such proposals base flood elevation data;
5. establish standards for the provision of base flood elevation and floodway data for the Approximated Floodplain District;
6. provide construction and design standards for all new construction and substantial improvements within various floodplain districts;
7. establish standards and certain improvements for recreational vehicles placed on sites within various floodplain districts;
8. require standards and certain improvements for manufactured homes placed or substantially improved within various floodplain districts.

Mr. Miller opened the hearing for comments from the public. Mr. Norman Hall of DRW Design recommended approval of the proposed ordinance. There being no further comments, the public portion of the hearing was closed. Board members expressed their support of the changes as proposed and the work needed to bring the ordinance into compliance. The motion to adopt the ordinance as proposed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2006-06, GENE RUARK, APPLICANT

Planning Director, Matthew Higgins, presented Rezoning Application 2006-06, an application to rezone 389 acres of Tax Maps 37-5 and 37-9, which total 691 acres, from the Low Density Rural (LDR) District to the Residential (R) District, with proffers. This property is the Big Neck Farm or “Healy’s Mill Plantation” which has access from both General Puller Highway (State Route 33) and Stormont Road (Route 629). The current use of the property is vacant land and agricultural uses. The intent of this rezoning is the creation of lots for single-family residential development. The development of the parcel is proposed to follow the Conceptual Master Plan that has been submitted along with the application, with the project divided into ten (10) phases. Of the total 398 lots proposed, 370 of them are proposed to be ½ to 1 acre in size, with the remaining 28 to be “estate lots” that are 3-5 acres in size. Build-out would occur over a ten year period. Approximately 302 acres (44%) would remain in open space, mostly in ponds, ravines and wetlands. A final set of twenty-four proffers has been submitted with the application and includes the following:

1. Submission of conceptual master plan and phasing plan
2. Modification to the conceptual master plan must be approved by Planning Commission.
3. Description of 10 year phasing plan.
4. Maximum number of units developed within development established at 398
5. Minimum dwelling unit size established at 1,900 square feet
6. Requirement for provision of underground utilities for development.
7. Requirement for provision of central water system for development (excluding phase 1).
8. Requirement for provision of central sewer system for all lots less than ½ acre within development.

9. Establishment of architectural review committee for development.
10. Establishment of architectural standards for dwellings within development.
11. Establishment of restrictions for utilization of lakes and hunting restrictions.
12. Prohibition of boathouses and docks on the lakes – excluding community piers.
13. Requirement that all streets will be constructed to standards of the 2005 VDOT Subdivision Street Requirements.
14. Prohibition of extension of road serving Phase 1 of the development.
15. Requirement that entrances to the development will be constructed to VDOT standards and the developer will be responsible for the provision of all improvements.
16. Provision of landscaping at the entrance to the development on Route 33.
17. Conservation of historic structure located near the entrance to the property.
18. Provision of 100 foot buffer space along Route 629.
19. Requirement for provision of walking trails.
20. Requirement for maintenance of common areas by Homeowners Association.
21. Additional requirement for maintenance of common areas by Homeowners Association.
22. Restriction on utilization of property for commercial purposes.
23. Acknowledgement of traffic impact study for entrance on Route 33.
24. Requirement for closing of sand pit on property.
25. Provision of access and right of use of water within the two lakes to the County for the purpose of a reservoir.
26. Provision of cash proffer of \$4,980.00 per lot at the time of building permits issuance.

Mr. Higgins presented the following staff analysis of the application based on the overall application and proffers submitted on January 24, 2007:

1. The land use of the proposed development is consistent and compatible with surrounding land uses and development patterns.
2. Based on the assumptions of staff, the development would have a positive fiscal impact to the County of \$749,500 over the next 20 years. To mitigate for any potentially negative fiscal impact, the applicant could consider submitting a proffer that would increase the proposed minimum square footage of dwelling units within the development or provide for a minimum/average sales price of dwelling units.
3. The current facilities operated by the school system will be able to accommodate the additional school-age children produced by this development.
4. A cash proffer of \$4,980.00 per lot, which complies with the County's September 19, 2006 Cash Proffer Policy, would off-set any potential capital expenditures by the County related to the development.
5. The applicant has adequately addressed the principal traffic impact of the development through both completed traffic impact studies and proffers. A traffic impact study of the proposed new intersection with Route 629 will need to be conducted for this intersection prior to Preliminary Plat Review based on the requirements of the Middlesex County Subdivision Ordinance.
6. To ensure full compliance with the Comprehensive Plan, the applicant should consider the following revisions:
 - a. The applicant should consider providing a higher level of "worthwhile open space" within the development as defined by the Comprehensive Plan: "park or natural area, adjoining natural resource access point or agricultural use." In conjunction, the applicant should also consider providing a higher level of agricultural preservation, parks or active open space within the development.

If the applicant can address these concerns regarding compliance with the Comprehensive Plan, staff would recommend approval of the application. The Planning Commission recommended approval of the application, on a vote of 5-3.

Mr. Miller opened the public hearing for comments from the public. Mr. Charles Records, of the engineering firm of AES, spoke on behalf the applicant and outlined the proposal, including the proffers that were submitted. The following citizens added their comments:

Alan Blake – representing Hartfield Fire Department, expressed concern that no proffer was offered for the fire department.

Norman Hall – Board needs to think about the future water supply and water quality.

James Berlinghoff – disappointed there are no proffers for rescue services.

Dan Anderson – controlled growth is a good thing; better to have it consolidated; good financial potential for businesses in the County.

Anne Cowdrey –

Garrison Hart – requested a one (1) year moratorium on approving large subdivisions until the Comprehensive Plan is updated.

Jimmy Pitts – make future developments better than Rosegill and take just as long to approve them.

Ahmad Lambdon – This plan is keeping the rural character.

Jean Vaughan – hope for endorsement; this proposal will offer affordable housing

John Polson – support need for more people coming to county as workers in the county; need for affordable housing.

Kimball Hartley – adjoining property owner on east side of entrance off Route 33; requested the entrance road be moved further west if possible, away from his property line.

Patty Griffin – developer should have supported emergency services departments with proffers.

Keith Barrick – support the proposal and what it will do for existing county businesses.

William Wills – opposed the proposal, but favored the owner's ability to do something with the property. The closure of Route 629 needs to be settled first; a demographic of buyers should be done to see who will be buying and their effect on school use and traffic. Applauded the utility easement required, however, future homeowners should pay for their sewer improvements, not the entire County. The County should consider accepting a lower cash proffer in exchange for a better development.

Curt Jimmo – opposed the proposal, however approved of the consolidation of developments; would benefit as a contractor.

Carl Johnson – approve; seems to be a well proposed plan.

Mike Knez – agreed with concerns addressed by William Wills. Would prefer central sewer; density should be less with more open space; consider the environmental impacts of all individual septic fields; Route 629 needs to be opened before action on the application.

Richard Willis – consider the impact on the water

Mary Ann Willis – would like to see more green space included with Phase 1.

Dwayne Ward – the proposal does not meet the Comprehensive Plan; the development does not propose affordable housing; disagree with a previous statement that mentioned there being a lack of decent workers in the county.

Mr. Records was given an opportunity to address some of the concerns expressed. Mr. Records stated that the plan presented was conceptual in nature and he and his client would make adjustments as necessary. Regarding fire equipment, it was noted that there would be a community water system that would include water for fire protection. Central sewer had been planned for certain portions of the development when the original proposal included ¼ acre lots. When the plan was developed for larger lots, the need for sewer could be accommodated on individual lots. There being no additional comments, the public portion of the hearing was closed.

Board members asked questions of the developer and Mr. Higgins. It was noted that the ordinance requires 20% of the development be left in open space and 44% has been provided. Density in a Residential District could be as high as 4 dwelling units per acre, and this development is proposing 0.58 dwelling units per acre. In comparison, the Rosegill development has 0.8. The open space includes a Virginia Power easement, ponds, wetlands and ravines or steep slopes. Trail systems created on passive recreational open space can change it to active recreational. Mr. Miller questioned the soil conditions for the open spaces. Mr. Records commented that active open spaces were designed around unsuitable soils. Mr. Jessie questioned why there were no proffers made to the emergency services departments. The applicant, Mr. Ruark, commented that he was sorry that he had forgotten to include them. Mr. Williams questioned why the development did not include central sewer, because he knew that the soils were not good in the area. Mr. Ruark commented that the Planning Commission did not know what type of system it wanted as far as central sewer. Mr. Records noted that the proposal met the intent of the Comprehensive Plan by adding easements for running sewer lines.

Mr. Higgins noted that there was no definite answer as to what type of pretreatment would be required; discharge into a mass drainfield does not qualify as a central sewer system unless there is a pretreatment system.

Mr. Crittenden noted that new developments should go forward, not backward. Mr. Crittenden stated that he was leery of the number of school children proposed in the study. Mr. Higgins noted that no market study was done.

Mr. Soberick noted that if the County puts in central sewer in the area, the property owners would have to hook up to the system, there would be no choice.

Mr. Ruark requested the Board's approval of rezoning at least the Phase 1 section and that he would phase sewer in for the remainder of the development. Phase 1 is separated from the rest of the project and is accessed from Route 629 and also does not have central water. Mr. Soberick stated that the Board could approve Phase 1 and deny the rest; Mr. Ruark could then revise the plan and come back with another application.

The motion to table action on the request until the evening meeting in March was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

APPOINTMENTS

The motion to approve the reappointment of Floyd Jones and Robert Gary to the Industrial Development Authority, pending their acceptance, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously. Checks numbered 57714 through 57790 for \$254,891.98 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of February was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Checks numbered 57648 through 57713 totaling \$282,777.33 were distributed as approved.

BOND REFINANCING

Mr. Culley reported that the savings with Davenport and Company for the bond refinancing had been locked in at 4.6%. The motion authorizing the County Administrator to sign the required documents was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously.

CLOSED MEETING

The motion to meet in Closed Session to discuss items related to consultation with legal counsel pursuant to Code of Virginia, §2.2-3711.A7 was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session,

the following motion was made by Mr. Crump, 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 §2.2-3711.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 as a result of the closed session.

ADJOURN

There being no further business, the meeting was recessed until the meeting with the School Board on Thursday, February 22, 2007.

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