

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MARCH 18, 2008, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The Chairman Mr. Williams called the meeting to order at 7:30 P.M. Mr. Crump offered a prayer and Mr. Culley led the Pledge of Allegiance.

AUDIT REPORT

Mr. Paul Lee of the auditing firm, Robinson, Farmer, Cox Associates, presented the audit report for FY 08.

PUBLIC HEARING – SPECIAL EXCEPTION 2008-01, TERRY EMERSON

Mr. Crittenden removed himself from discussion and voting on this application as he is an adjoining property owner to this property. Deputy Zoning Administrator, L. F. "Tripp" Little, III, presented the application requesting the approval of a special exception for the keeping of two (2) horses for noncommercial purposes in a Residential zoning district, at Tax Map 40-293A. This property is 4.525 acres and surrounded by other single-family residences and vacant land. Any request for the keeping of horses in an R zoning district must meet the requirements of Article 9, Section 9-4.5 of the Zoning Ordinance. According to the Staff analysis, the proposal is generally harmonious with the surrounding area, has adequate area for the use proposed and the entire property is securely fenced. In addition, other properties abutting this property keep horses.

Mr. Williams opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the application for the keeping of two horses was made by Mr. Crump, seconded by Mr. Miller and carried by a vote of 4-0-1, with Mr. Crittenden abstaining.

**PUBLIC HEARING – REZONING APPLICATION 2008-01, JANE B. CRITTENDEN,
LIVING TRUST**

Mr. Crittenden removed himself from discussion and voting on this application. This application requests the reclassification of 27.16 acres of a 36.03 acre property from the Low Density Rural (LDR) district to the Residential (R) district, with 8.87 remaining in LDR and open space, for the purpose of creating a 21 lot subdivision, made up of 1-acre lots, with proffers. An amended proffer statement was received by the county, prior to this meeting.

Mr. Williams opened the hearing for comments. James H. Ward, Jr., was present to represent the applicant. According to Mr. Ward, the cash proffer statement had been revised to state that rather than \$5,000 being given to the County, \$3,000 would be given to the County and \$1,000 each for the fire department and rescue squad serving this development. Mr. Ward indicated that although LDR zoning adjoins this property, they all have residential uses. Also, with a R zoning classification on a property this size, with on-site water and sewer, 35 single family dwellings would be allowed; this application is requesting a change in zoning to allow for 21.

John England questioned the proffer that gave a minimum dwelling unit size of 1,700 square feet and asked if this was all living space. Mr. England added that he believed the cash proffer to the county should be more than \$5,000.00.

There being no further comments, the public portion of the hearing was closed. Mr. Crump commented that the square footage in the proffers needed to be clarified. He also stated that the fire and rescue departments needed everything they can get and the lot size is compatible for the size of the home. Mr. Miller like the open space with screening and that it seemed to be a nice fit in the neighborhood. Mr. Jessie agreed that the square footage should be based on heated living space.

Mr. Ward commented the intent for the 1700 square feet was for it to be heated living space and that this was clarified at the Planning Commission meeting. The motion to approve the rezoning application with proffers submitted for the Board of Supervisors meeting was made by Mr. Miller, seconded by Mr. Crump and carried by vote of 4-0-1, with Mr. Crittenden abstaining from the vote.

TAX RATE PUBLIC HEARING

The motion to publish the following notice of proposed tax increase was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously:

NOTICE OF PROPOSED REAL PROPERTY

TAX INCREASE

The Middlesex County Board of Supervisors proposes to increase property tax levies.

1. Assessment Increase: Total assessment value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 87.28%.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$0.29 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The Middlesex County Board of Supervisors proposes to adopt a tax rate of \$0.35 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$0.06 per \$100, or 21 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of Middlesex County will exceed last year's by 22 percent.

A public hearing on the proposed rate increase will be held on Tuesday, April 22, 2008, at 7:30 P.M., in the Board Room of the Woodward Building, Courthouse Complex, Saluda, Virginia. Citizens may be present to make comments to the Board or submit them in writing. The proposed tax rate is the maximum that can be adopted. Following the public hearing, the Board may choose to either adopt or **LOWER** the proposed effective rate.

APPROPRIATION REQUESTS

The motion to approve the following appropriation request was made by Mr. Miller, seconded by Mr. Crump and carried unanimously: FROM: 3-1-23020-0050 \$500.00, TO: 4-1-31020-5412, Livescan fees collected from fingerprinting for the school system. The motion to approve the following appropriation was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously: FROM: 3-1-41060-0001, General Fund, \$34,000.00, TO: 4-1-31020-5408, Vehicle Supply-Gasoline. Funding is needed due to the increase cost of fuel and increased call volume.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 61134 and 61202 through 61287 for \$183,281.21 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of March was made by Mr. Miller, seconded by Mr. Crump and carried unanimously. Checks numbered 61135 through 61202 totaling \$296,067.01 were distributed as approved.

CLOSED MEETING

The motion to meet in Closed Session for consultation with legal counsel regarding issues of potential litigation pursuant to §2.2-3711.A7, was made by Mr. Miller, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Crump 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 taken as a result of the closed session.

HANGAR PROJECT

Mr. Crump mentioned that Ken McMullan had praised the work of the contractor building the hangar at the airport.

AUDIT

The motion to adopt the audit report as presented by Mr. Lee was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

ADDITIONAL MEETINGS

Board members scheduled a budget work session with the school board for March 31 at 7:30 p.m. and April 1 at 1:30 p.m. following the regular meeting.

RECESS

There being no further business, the meeting was recessed until the work session with the School Board on March 31, 2008, at 7:30 p.m., in the Board Room.

Kenneth W. Williams, Chairman
Board of Supervisors