

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 20, 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. Miller offered a prayer and Mr. Culley led the Pledge of Allegiance. The public hearings scheduled for the meeting had been advertised for the Board Room in the Historic Courthouse, so the meeting was recessed to reconvene at that location.

**JOINT PUBLIC HEARING – VIRGINIA DEPARTMENT OF TRANSPORTATION –
SECONDARY SIX-YEAR PLAN FOR ROADS (FY 09 – FY 14) AND
CONSTRUCTION PRIORITY LIST FOR FY 09**

Assistant Resident Administrator, Joyce McGowan, presented the Board with a review of the Secondary Budget and Plan. According to Mrs. McGowan, the actual budget for FY 08 ended up being \$2,366.00 less in funding than projected. The FY 09 budget is projected to be \$78,362.00 less than last year's actual budget of \$505,252.00, or \$462,890.00. Of this, \$61,344.00 is allocated to incidental items; \$354,078.00 is allocated for the number one priority, Route 630 Stampers Bay Road project; and \$11,468.00 is available for unpaved roads. State funding cutbacks have caused all projects to slip further out for construction. The Route 630 project has funding provided through 2011 to fund this project through completion. The number two priority paved project, Route 629, Stormont Road, would move to priority one to begin funding in 2011, with estimated advertisement in 2024.

For unpaved projects, the number one priority is Route 669, Brandon Point Road. Construction is slated to begin in the fall of 2008, for an estimated \$90,000.00. If this project is given a Rural Rustic Road designation by the Board of Supervisors, the construction costs could be reduced and applied to another project. There has been a 61% reduction over the last year's allocation of \$146,941.00 for unpaved road projects. There is currently only \$57,146.00 available over the next six years that can be applied to the paving of unpaved roads. Estimated construction costs were provided for the list

of seven (7) unpaved roads, ranging in costs from \$15,000.00 to \$125,000.00. The Board was asked to choose the road or roads to receive the funding. In addition, the Board should begin considering which private roads should receive rural addition funding, which currently amounts to \$49,600.00. There are restrictions for the use of this funding and the amount of funding and condition of the road determines the number or the length of the additions.

Mr. Williams opened the joint hearing for comments from the public. Mr. Kent Mallory thanked the Board for keeping Brandon Point Road in the plan for funding. There being no further comments, the public portion of the hearing was closed.

Mr. Crittenden expressed his concern that the Route 629 Stormont Road Project has slipped to 2024 for advertisement, when only a few months ago it was slated for advertisement in 2015. Mrs. McGowan explained that this was due to the recent reduction in State funding. Mr. Miller asked about the pavement surface for a rural rustic road. Mrs. McGowan said that roads with this distinction are usually tar and gravel rather than asphalt. Mr. Miller made the motion to adopt a resolution designating Route 669 Brandon Point Road as a Rural Rustic Road. Action on the remaining issues would be addressed at the June 3rd meeting.

RESOLUTION

WHEREAS, during the 2002 session of the General Assembly, legislation was passed to revise §33.1-70.1 of the Code of Virginia, to allow for the improvement and hard surfacing of certain unpaved roads deemed to qualify for and be designated a **Rural Rustic Road**; and

WHEREAS, such roads must be located in a low-density development area and have a minimum of 50 vehicles per day (vpd), and have no more than 500 vpd; and

WHEREAS, the Board is unaware of pending development that will significantly affect the existing traffic on the road; and

WHEREAS, the citizens that utilize this road have been aware of this road being paved with minimal improvements; and

WHEREAS, the Board believes Route 669 Brandon Point Road should be designated a Rural Rustic Road, from Route 619 to the End of State Maintenance, owing to its qualifying characteristics; and

WHEREAS, the road aforesaid is in this Board's six year plan for improvements to its secondary system of state highways:

NOW, THEREFORE, BE IT RESOLVED, this Board hereby designates and requests the Virginia Department of Transportation's Residency Administrator to concur in the aforesaid road as a Rural Rustic Road.

BE IT FURTHER RESOLVED, this Board request that this road be hard surfaced and, to the fullest extend prudent, be improved within the existing right of way and ditch-lines to preserve as much as possible the adjacent trees, vegetation, side slopes, and rural rustic character along the road in their current state.

BE IT FURTHER RESOLVED, that a certified copy of this resolution is forwarded to the Residency Administrator of the Virginia Department of Transportation.

Adopted at a regular meeting of the Middlesex County Board of Supervisors on May 20, 2008:

A Copy Teste:

Charles M. Culley, Jr.
Clerk

**PUBLIC HEARING – ORDINANCE AMENDMENT APPLICATION 2008-01,
AMENDING CURRENT DEFINITION OF OPEN SPACE**

Mr. L. F. Little, III, Interim Planning Director, presented the application to amend the current definition of “open space” that is listed in the Zoning Ordinance. The current definition defines the uses of the space and that the computation of open space shall not include driveways, parking lots, or other surfaces designed or intended for motorized vehicular traffic. The proposed amendment would add that the computation of open space would also not include bodies of water, utility easements, drainfield lots, stormwater retention basins, Resource Protection Areas, wetlands and slopes greater than 25%. The Planning Commission recommended approval of the proposed amendment.

Mr. Williams opened the public hearing for comments. Mr. Charles Records of Zandler Development spoke in opposition of the proposed amendment and included comments that this is a back door way of reducing density and that the ordinances needed to be overhauled in their entirety to allow for strategically located open space. There being no further comments, the public portion of the hearing was closed.

Board members spoke in support of the proposed amendment and in support of the Planning Commission subcommittee that was working to make improvements to the ordinance. The motion to adopt the amendment as proposed was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously.

**PUBLIC HEARING – ORDINANCE AMENDMENT APPLICATION 2008-02,
LAUNDROMAT IN VILLAGE COMMUNITY**

Mr. Little presented the proposed amendment submitted by the Planning Commission to add “Laundromat” as a permitted use in a Village Community Zoning District. The Planning Commission recommended approval of the application as proposed, however, Mr. Little suggested that this use should be listed as a Special Exception, since it might not be a use that is compatible with some of the other uses already permitted in Village Community. The motion to approve the addition of “Laundromat” as a Special Exception use in the Village Community Zone was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

REASSESSMENT

Mr. Culley explained that several issues had surfaced since the "completion" of the recent reassessment that needed to be addressed by Mr. Coalson of Tri-County Appraisal. The final check in the amount of \$22,680.00 has not released. Mr. Soberick advised that the contractor needed to be provided a list of issues and given an opportunity to correct the deficiencies. The Board agreed that the check was not to be released. Mr. Culley would work with the Commissioner of the Revenue to draft a letter to Mr. Coalson.

PAYROLL

The motion to approve payroll for the month of May was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 61627 through 61682, totaling \$309,245.42 and 61702 through 61703 totaling \$1,579.82 were distributed as approved.

DISBURSEMENTS

Mr. Culley informed the Board that the engineering firm of R. Stuart Royer was still working through the application process for the wastewater treatment plant that would serve the Courthouse properties. Mr. Hart of the firm is expecting that the project would be bid out in the fall. Board members requested to know the total cost spent with the firm on this project. Mr. Crittenden requested an update on the High School Athletic Complex project. The motion to approve the disbursements however holding the check to The RBA Group, the firm working on the Athletic Complex project pending an update, and was made by Mr. Crump, seconded by Mr. Miller and carried unanimously. Checks numbered 61704 through 61792 for \$274,983.37 were disbursed as approved.

CHANGE IN MEETING LOCATION

The motion to adopt the following resolution to change the regular meeting location for the Board of Supervisors was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

RESOLUTION

CHANGE IN REGULAR MEETING LOCATION

WHEREAS, the Middlesex County Board of Supervisors, at their Annual Meeting, established the Board Room of the Woodward Building as their regular meeting place; and

WHEREAS, the Board Room is located on the second floor of the Woodward Building; and

WHEREAS, the second floor of the Woodward Building is not accessible to the disabled; and

WHEREAS, the Historic Courthouse has been renovated to accommodate County offices and to serve as a meeting place for County appointed boards and commissions; and

WHEREAS, the rooms of the Historic Courthouse are fully accessible to the disabled;

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors shall, effective June 3, 2008, hold their regular meetings on the first Tuesday of each month at 9:00 a.m. and the third Tuesday of each month at 7:30 p.m. in the Board Room of the Historic Courthouse.

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

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 a resolution passed at a lawfully organized meeting of the Board of Supervisors of Middlesex County held at Saluda, Virginia, at 7:30 P.M. on May 20, 2008

Charles M. Culley, Jr.
Clerk

APPOINTMENTS

No action was taken on appointments

CLOSED MEETING

The motion to meet in Closed Session to discuss matters relating to Personnel pursuant to §2.2-3711.A1, was made by Mr. Miller, seconded by Mr. Jessie 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.A1 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 Meeting.

ADJOURNED

There being no further business, the meeting was adjourned until the next regular meeting scheduled for June 3, 2008, 9:00 a.m., in the Board Room of the Historic Courthouse.

Kenneth W. Williams, Chairman
Board of Supervisors