

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MAY 6, 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  
Wayne Jessie, Sr., Jamaica District  
Fred S. Crittenden, Pinetop District

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

**CALL TO ORDER**

The Chairman, Mr. Williams, called the meeting to order. Mr. Crump led the group in prayer and Mr. Culley led the Pledge of Allegiance

**MINUTES**

The motion to approve the minutes from the meetings of March 31<sup>st</sup>, April 1<sup>st</sup>, April 15<sup>th</sup>, April 22<sup>nd</sup>, and April 24<sup>th</sup> was made by Mr. Crump, seconded by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mr. Miller seconded by Mr. Crump and carried unanimously. Checks numbered 61526 through 61625 totaling \$131,499.82 were disbursed as approved.

**CONSTITUTIONAL OFFICERS**

**Treasurer**

Mrs. Bray announced that tax bills, due June 5, should be mailed out on May 9<sup>th</sup>.

**Commissioner of Revenue**

Mrs. Davenport reported that the car tax reimbursement percentage should be set at 60%.

**Sheriff:**

There were no questions for Sheriff Abbott. The Sheriff reported he had purchased ammunition for his department, a major expense.

**URBANNA VOLUNTEER FIRE DEPARTMENT**

Joe Moschetti, representing the department, was present to thank the Board for their support of the department in the County's budget.

**HIGHWAY MATTERS**

Resident Administrator, Marcie Parker, was present to represent the Highway Department. Mrs. Parker reminded the Board that there would be a joint public hearing conducted on May 20<sup>th</sup> on the Six Year Plan for Secondary Roads. The Board will be considering the addition of three to four unpaved roads to the list. Mrs. Parker indicated she would run estimates for construction of all roads to be considered.

The following additional items were discussed:

Mowing: trash pickup and mowing would be completed in the County by Memorial Day.

Route 609: no reduction in speed was indicated as necessary by the recent traffic study.

Healy's Mill Dam: the final report on the dam showed no difference in the preliminary report with the exception of the size of the cracks. Cracks that were 7/16" and 1" in 2006 had expanded to 1-1/2" and 3".

Dirt Bridge Road: The motion to schedule a public hearing for consideration of restricting Dirt Bridge Road to truck traffic was made by Mr. Crump, seconded by Mr. Miller and carried unanimously.

Montague Island Road: Mr. Jessie requested that a speed study be conducted to consider lowering the speed limit near the end of the road.

**COMMITTEE REPORTS**

Board members presented their reports on committee activities.

## **SCHOOL MATTERS**

Superintendent Rusty Fairheart was not present; however he had submitted a report for the Board.

## **APPROPRIATION REQUEST**

The motion to approve the following appropriation requests was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-23020-0048, \$81.19, TO: 4-1-31020-5401; 3-1-18030-0001, \$128.51, TO: 4-1-43020-3004; FROM: 3-1-18030-0001, \$198.00 TO: 4-1-13010-5503; FROM: 3-1-18030-0006, \$626.92 TO: 4-1-81010-5408.

## **BROAD CREEK DREDGING**

Mr. Culley reported that \$900,000.00 has been requested by Senator Wittman for inclusion in the federal budget. Mr. Crump reported that he had reviewed the most recent mapping of the channel, which showed that the channel narrows in spots, however, it did not appear to have worsened in the past year. A notice warning of the shallow channel had been removed by the Coast Guard.

Mr. Williams invited members of the audience to share any additional information regarding the request for dredging. Mr. Crump commented that the public hearing had been closed for public comments at the April 18<sup>th</sup> meeting. Mr. Soberick stated that the Chairman could ask for additional information.

Carolyn Schmalenberger commented that she believed that the project would not receive federal funding. Mrs. Schmalenberger commented that the map was only a part of the picture and that Board members needed to experience the shallowness in person from a boat. Army Corps says that there is a problem. Senator Wittman's office will be asking for any left over money from the FY 08 federal budget.

Mr. Miller commented that he was not debating whether or not the channel needed to be dredged, but was concerned about the funding. Mr. Miller believed that federal funding would not have been allocated for the studies and preliminary work if they would not follow through with the remaining funds for the dredging. Mr. Miller was not in favor of continuing with the application for grant funding through VMRC, because of the requirement for maintaining the channel for 30 years. Mr. Crittenden agreed that the VMRC grant was not the way to go, but believed that the County should fully fund the project in anticipation of there not being any additional federal funds approved; this would keep the project moving. Mr. Crump stated that he did not think the County should start funding a state/federal project. Mr. Williams stated that the County has an obligation to protect the investment of the businesses that are established in Broad Creek. Mr. Jessie stated that he wanted to go himself to see the extent of the fill.

Mrs. Schmalenberger reminded the Board that this creek is a true economic engine and that the boaters that are being lost are the large boat customers. These boaters typically do not cost the County for any services, but spend their money in the county.

There was a consensus among the Board that the issue would be tabled until there was additional information provided.

### **SCHOOL APPROPRIATION**

Mrs. Heather Lucas was present. The motion to approve the appropriation of \$153,979.66 to fund expenses over the budget for utility and fuel charges was made by Mr. Miller, seconded by Mr. Crump and carried unanimously. FROM: 3-1-41060-0001 TO: 4-071-63200-5008-900, \$68,878.78 for vehicle and equipment fuel; 4-071-064200-5101-900, \$71,030.65 for electrical services; 4-071-064200-5104-900, \$14,069.23.

### **OPEN SPACE**

Representatives from the Planning Commission Sub-Committee, Claude "Buck" Boyd, J. D. Davis and David Johnson, were present to discuss the Committee's proposal for open space requirements in the zoning ordinance. As Mr. Boyd explained, with recent proposed developments, preservation of rural character has been stressed, with different opinions of how to achieve it, however, preservation of open space has been a common thread.

The proposal of the Committee focuses on preserving 50% open space, while retaining the desired housing density. Steep slopes, utility easements, drainfields, and roads, would be not be allowed to contribute to open space. Clearing, grading, and road costs would be reduced by grouping the living space. It is believed that this type of development would be a more well planned community, a better place to live, and a development with increased value and marketability.

There was general agreement with the concept by the Board. A Zoning Ordinance Amendment proposing the new open space requirements will be presented to the Planning Commission at one of their next meetings.

### **CRAB**

The motion to adopt the following resolution was made by Mr. Crump, seconded by Mr. Miller and carried unanimously.

**RESOLUTION REQUESTING THE COMMONWEALTH OF VIRGINIA TAKE NECESSARY STEPS TO ADDRESS POTENTIAL ECONOMIC IMPACT TO WATERMEN AND THE COMMERCIAL CRAB INDUSTRY**

*WHEREAS the Middlesex County Board of Supervisors is concerned about the recent calls to significantly reduce the blue crab harvest in the Chesapeake Bay; and*

*WHEREAS the Middlesex County Board of Supervisors acknowledges scientific evidence clearly points to a blue crab population in danger; and*

*WHEREAS the Middlesex County Board of Supervisors is concerned about the disproportionate burden watermen will surely face through heightened restrictions in order to restore the blue crab; now*

*THEREFORE BE IT RESOLVED that the Middlesex County Board of Supervisors respectfully request that the Honorable Tim Kaine, Governor of Virginia, declare a state of emergency and request that state agencies provide assistance to watermen and businesses that will be affected by harvest restrictions; and*

*BE IT FURTHER RESOLVED that the Honorable Tim Kaine, Governor of Virginia, petition the U. S. Department of Commerce for Commercial Fishery Disaster Assistance under Sections 312(a) and 315 of the Magnuson-Stevens Fishery Conservation Act (MSA) (16 U.S.C. §1861 and 1864), as amended and Sections 308(b) and 308(d) of the Interjurisdictional Fisheries Act (IFA) (16 U.S.C. §4107).*

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**FY 09 BUDGET**

The motion to adopt the 2008-09 General Fund Budget in the amount of \$19,154,613.00, which includes the following local funds: school operations fund in the amount of \$8,192,814.00 and school textbook fund in the amount of \$99,958.00, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

The motion to adopt the 2008-09 Appropriation Resolution, which includes the appropriation of the General Fund, totaling \$19,154,613.00, was made by Mr. Miller and seconded by Mr. Crump. The motion carried by a vote of four in favor, one opposed (Mr. Williams).

**2008 - 2009 MIDDLESEX COUNTY BUDGET**

**APPROPRIATION RESOLUTION**

**WHEREAS**, the Middlesex County Board of Supervisors has heretofore prepared a Budget for information and fiscal planning purposes only; and

**WHEREAS**, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the Budget;

**NOW, THEREFORE BE IT RESOLVED**, by the Middlesex County Board of Supervisors that subject to the approved Budget for 2008-2009 the following appropriations for the General Fund (Fund 001) be made as follows:

**COUNTY GENERAL FUND APPROPRIATIONS**

<b>Maj Fund Number</b>	<b>Description</b>	<b>Proposed 08/09</b>
10010	<a href="#">Total Capital Projects</a>	895,223.00
10020	<a href="#">Total Airport</a>	193,790.00
11010	<a href="#">Total Board of Supervisors</a>	93,075.00
12010	<a href="#">Total County Administrator</a>	317,984.00
12040	<a href="#">Total Legal Services</a>	81,000.00
12080	<a href="#">Total Independent Auditor</a>	40,000.00
12090	<a href="#">Total Commissioner of Revenue</a>	288,615.00
12100	<a href="#">Total Assessor</a>	
12130	<a href="#">Total Treasurer</a>	257,501.00
12190	<a href="#">Total Insurance/Risk Management</a>	106,700.00
12200	<a href="#">Total Data Processing</a>	143,095.00
13010	<a href="#">Total Electoral Board</a>	47,680.00
13020	<a href="#">Total Registrar</a>	74,576.00
21010	<a href="#">Total Circuit Court</a>	137,032.00
21020	<a href="#">Total General District Court</a>	4,525.00
21030	<a href="#">Total Juv&amp;Dom Rel Ct Services Unit</a>	58,300.00
21040	<a href="#">Total Magistrate</a>	6,500.00
21050	<a href="#">Total Merrimac Center</a>	18,200.00
21060	<a href="#">Total Circuit Court Clerk</a>	230,862.00
21070	<a href="#">Total Victim/Witness Assitance Program</a>	2,520.00
21100	<a href="#">Total Juvenile Court</a>	5,909.00
22010	<a href="#">Total Commonwealth's Attorney</a>	199,182.00
31020	<a href="#">Total Sheriff</a>	1,298,879.00
31030	<a href="#">Total Town Police</a>	61,259.00
31050	<a href="#">Total County Deputy</a>	42,040.00
31060	<a href="#">Total School Officer</a>	101,081.00
31070	<a href="#">Total School Crossing Guards</a>	10,765.00
32010	<a href="#">Total Volunteer Fire Departments</a>	200,000.00
32030	<a href="#">Total Rescue Squads</a>	120,356.00
33010	<a href="#">Total Regional Jail</a>	734,610.00
34010	<a href="#">Total Building Inspection</a>	181,150.00
35010	<a href="#">Total Animal Control</a>	89,603.00
35030	<a href="#">Total Medical Examiner</a>	400.00
36050	<a href="#">Total Emergency Services</a>	116,193.00
36090	<a href="#">Total E911</a>	134,334.00
42020	<a href="#">Total Street &amp; Road Cleaning</a>	500.00
42030	<a href="#">Total Convenience Centers</a>	105,618.00
42060	<a href="#">Total Landfill Maintenance</a>	2,500.00
42070	<a href="#">Total VPPSA</a>	767,529.00
43020	<a href="#">Total General Properties</a>	606,358.00
51010	<a href="#">Total Health</a>	159,809.00
52010	<a href="#">Total Mental Health</a>	31,909.00
53010	<a href="#">Total Welfare</a>	1,078,705.00
53050	<a href="#">Total Bay Aging</a>	45,305.00
53060	<a href="#">Total Service Organizations</a>	4,000.00
53090	<a href="#">Total Virginia Housing Development</a>	3,000.00
53100	<a href="#">Total Vocational Rehab. Centers</a>	4,793.00
53120	<a href="#">Total Animal Care Organizations</a>	10,000.00
53150	<a href="#">Total Comprehensive Services</a>	525,000.00
60000	<a href="#">Total Education</a>	5,257.00

63200	<a href="#">Total VA School League Activities</a>	3,000.00
71010	<a href="#">Total Parks &amp; Recreation</a>	51,873.00
71040	<a href="#">Total Sports Complex</a>	28,550.00
71050	<a href="#">Total YMCA</a>	50,000.00
72020	<a href="#">Total Museum</a>	4,500.00
73020	<a href="#">Total Regional Library</a>	108,000.00
81010	<a href="#">Total Planning</a>	139,379.00
81040	<a href="#">Total Zoning Administration</a>	97,920.00
81050	<a href="#">Total IDA</a>	10,710.00
81060	<a href="#">Total BZA</a>	5,850.00
81070	<a href="#">Total Anniversary Committee</a>	
82030	<a href="#">Total Soil &amp; Water Conservation</a>	6,000.00
82040	<a href="#">Total Environmental Enforcement/Wetlands</a>	52,915.00
82050	<a href="#">Total Forestry Service</a>	2,348.00
83030	<a href="#">Total Cooperative Extension Service</a>	44,900.00
99010	<a href="#">Total Transfers Out</a>	8,905,446.00
	<b>Total General Fund Expenses</b>	<b>19,154,613.00</b>

The motion to adopt the reimbursement percentage for car tax relief in the amount of 60% was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

### **SETTLEMENT AGREEMENT**

The motion to adopt the settlement agreement between the County and Wiley and Wilson and authorizing the Chairman to sign the final document was made by Mr. Miller, seconded by Mr. Crump and carried unanimously.

### **CLOSED MEETING**

The motion to meet in Closed Session for a discussion of personnel, pursuant to §2.2-3711.A1, 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.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 as a result of the closed meeting.

**RECESS**

There being no further business, the Board left the Board Room to journey to Dawn, in Caroline County, to visit a development that is served by a mass drainfield sewage collection system, similar to the one proposed by Gene Ruark in the Rezoning 2008-01 application.

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Kenneth W. Williams, Chairman  
Board of Supervisors