

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 21, 2009, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, 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

Mr. Crump called the meeting to order. Mr. Jessie offered a prayer and Mr. Culley led the Pledge of Allegiance.

VICTORY GARDEN

Stephanie Hutton spoke before the Board regarding her project selected as part of the Oyster Festival competition. Miss Hunton would like to coordinate the planting of a Victory Garden in the area between Rappahannock Central Elementary and the Puller Center and has proposed that a 25' x 60' area could be divided into 5' x 25' sections for use by lower income citizens to plant and grow their own vegetables. Miss Hunton would utilize the Master Gardener program for advice on planting and try to get monetary, plant and seed donations from local businesses. The motion to endorse the project and to make an area available, with the condition that it be returned to original condition, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – HUNTING ORDINANCE

Mr. Culley presented a proposed ordinance that had been drafted at the request of the School Board to address hunting or shooting weapons near school property. Mr. Crump opened the hearing for comments from the public. Rusty Fairheart, School Superintendent, commented that this ordinance was requested after teachers on the back side of the elementary school heard gunshots. At no time did they fear for their safety, but the ordinance was suggested for peace of mind. Jerry Crittenden suggested that there were perhaps rules already on the books by the State Game Commission and that it may be a matter of enforcing something already in effect. There being no further comment, the public portion of the hearing was closed.

Board members requested that Mr. Soberick research the matter further to see if there are state regulations already in place that could be enforced by the Game Commission. Mr. Williams asked if the ordinance could be modified to allow hunting

when school is not in session. Mr. Soberick noted that the ordinance could be adjusted. The motion to continue action for a period of 30 days was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2009-001, HABITAT FOR HUMANITY AND HANDS ACROSS MIDDLESEX

Mr. Walker presented the request to rezone Tax Map 29-42, a 6.41 acre property, from Low Density Rural (LDR) to Village Community (VC) for the purpose of allowing the development of professional office and associated storage facilities for the use of Middlesex County Habitat for Humanity and Hands Across Middlesex (HAM) philanthropic organizations. This property is currently vacant/wooded land that is bisected by high tension power lines. A portion of the property is located partially within or beside areas planned for hamlet/farmstead development areas. The applicant, John D. Cryer, on behalf of the organizations has proffered that the property would be used solely by community service organizations. Should the property be sold at a later date, the proffer would remain or a public hearing would be required to remove it. It was noted that major site plan approval would be needed should the rezoning be approved.

Mr. Crump opened the hearing for comments. Penny Lawson of HAM commented that the group greatly appreciated the Board's help in the past in providing a storage facility. Lyle Predmore commented that the ability of the groups to work together and have one combined facility will be a big asset. Jim Knupp commented that the proposed location of the facility will be a good example of how the county takes care of its citizens. There being no further comment, the public portion of the hearing was closed.

Board members commented in support of the application. The motion to approve the rezoning application with the submitted proffer was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

ORDINANCE AMENDMENT APPLICATION 2009-001, WATER AND SEWER IMPROVEMENTS

Mr. Walker presented an application proposed to amend Article 6, Subdivision Improvements, specifically Sections 6-3, 6-4 and 6-5. The amendments would revise and extend requirements for water and sewer improvements and easements with certain subdivisions, specifically, when central water and sewer systems are to be required for major subdivisions. Proposed amendments to Section 6-3 would require subdivisions of 25 or more lots to provide central water for drinking and fire protection unless the lots are 2.5 acres in size or there is a density of 0.4 dwelling units per acre, which would allow clustering. Proposed amendments to Section 6-4 require a central sewage collection and treatment system for subdivisions with 50 or more dwelling units and give the same exemption for properties of the size and density above. Proposed

amendment to Section 6-5 increases the utility easement from 15' to 20' to accommodate present and future central water and sewer systems.

Mr. Crump opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Mr. Miller asked about dry hydrants for fire protection. Bill Thrift, Chief of the Middlesex Volunteer Fire Department, commented that dry hydrants worked well and were recognized by insurance companies for fire protection; however, they needed to be maintained. Mr. Miller suggested replacing the words "capable of providing" with "and" in a portion of the proposed amendment to Section 6.3: "...shall have a central water system capable of providing adequate fire protection as required.... The Board was in general agreement.

The motion to approve the amendments as proposed, including the change in language as noted above, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – MIDDLESEX COUNTY SCHOOL AND COUNTY BUDGETS FOR FY 10

Mr. Culley presented a review of the proposed County budget, totaling \$17,862,474.00. This total reflects a decrease from last year of \$1,292,139.00 (6.75%). Of 73 departments, 53 have decreasing budgets, 10 have increases and 10 have no change. There are no salary or cost of living increases proposed for County employees. One (1) county funded employee position will be eliminated for a savings of approximately \$50,000.00. The biggest increases were seen in departments over which the county has little control – Merrimac Center (increase of \$38,200), Comprehensive Services (\$88,975), General Properties for Pump and Haul (\$62,000), Court Facility for transportation of inmates – a new requirement (\$15,000). All departments had been asked to reduce their budgets by at least 5%. Carry-over funds from the fund balance in the amount of \$410,654.00 will be used to balance the budget.

Monies for the School Budget reflect a proposed decrease in local funds for operations of \$352,676.00, or 5%. The total general school operations fund will decrease by \$487,988 or 3.93%, for a total of \$11,934,659.00. State revenues decreased by \$427,072.00. Funds have been included in the county budget for school debt service (previously paid with grant funds from the State) at \$1,227,919.00 and for two capital projects: thru-wall flashing for the MHS Media Center (\$20,000.00) and for raising manholes and new septic pump electrical connections at SCW (\$15,000). The School Budget is based on an average daily membership (ADM) of 1210. Total cost per student is at \$11,281.46, with local funds per student being \$6,552.70.

Mr. Culley presented a review of the Composite Index, a formula the State uses to return funds to the County from State revenues. Middlesex County is the lowest taxed county in the state with the highest Composite Index; there are currently only four counties with lower tax rates, however their Composite Indexes run from .2132 - .3752,

compared to that of Middlesex at .6777. Middlesex County currently ranks 8th of highest Composite Indexes in the state. A high Composite Index has a tremendous effect on the amount of state and federal aid a county receives.

There are no increases in real estate or personal property taxes proposed. A penny on the tax rate equals approximately \$234,314.00. Of all the taxes and fees currently generated in the County, 28.75 cents will be used as local money for education; 8.13 will be used for public safety; 5.24 will fund debt service for the schools; 4.53 will fund general government administration and 3.90 will fund the county debt service.

Mr. Crump opened the hearing for comments from the public. Elizabeth Johnson, Jennifer Millington and Jim Knupp all requested additional funds be allocated to the school system so that the French program could be proposed. The school system had announced that additional cuts by the Board of Supervisors to their proposed budget could result in this program being eliminated. Mrs. Johnson suggested that a task force be created to address the situation and a possible phasing out of the program. There are currently 41 students enrolled in French; two students are rising seniors. Many colleges require 4 or 5 years of the same foreign language. Mr. Knuff added that the Composite Index reflects the County's ability to pay, however, the local funding reflects the County as not taking care of its children.

Dan Downs reminded the Board that it is up to the schools as to how the money is spent. Mr. Downs commented on the rise in his property values and taxes while being on a fixed income. There being no further comments, the public portion of the hearing was closed.

Mr. Jessie commented that he had been in favor of a higher tax rate last year which would have increased the available funds in the fund balance. Mr. Jessie also is in favor of increasing businesses as a way to take some dependency away from the real estate tax.

Mr. Crittenden reminded the citizens present that the schools control how the county allocation is spent.

Mr. Miller commented that he believed that the local funding per student is well spent.

Mr. Williams noted that last year the Board increased local funding to the Schools by \$800,000.00 and wished it could have been done this year, however, reductions were necessary all around. Mr. Williams suggested that parents address the School Board again with their concerns about the French program.

Mr. Crump thanked everyone for attending and noted that the Board has mandatory programs that must be funded and then has to manage available funds as best as possible. He commented that in the next year, other tax alternatives will be considered. Mr. Crump reminded those present of the Code of Virginia requirements that would not allow the budget to be adopted until at least seven (7) days after the

public hearing. It is proposed that the budget be adopted at the Board's May 5th meeting.

PROPOSED AMENDMENTS – FAMILY EXEMPTION

Matt Walker, Planning Director, presented the Board with some suggested language to address irregularities through family exemption criteria. The motion to approve advertisement of the proposed amendments was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENTS

Mr. Crump informed the Board that he would be representing the Board on the Planning District Commission's Steering Committee for regional reassessment. County administrators and commissioners of revenue would also be on the committee.

No action was taken regarding the term of Mr. McKone, Pinetop District, on the Board of Zoning Appeals. This term expires April 30, 2009.

PROCLAMATION

The motion to adopt the following Proclamation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

*Middlesex County, Virginia
Board of Supervisors*

Whereas, working watermen and women have a long and honored history in Middlesex County; and the Chesapeake Bay; and

Whereas, the Board of Supervisors recognizes the many contributions of the working watermen and women in making Middlesex what it is today;

Now, therefore, be it proclaimed that the Middlesex County Board of Supervisors officially declares, in perpetuity, the first weekend in May as "Working Watermen's Weekend" in Middlesex County;

Be it further proclaimed that the Board of Supervisors recognizes the efforts of the Deltaville Maritime Museum and Holly Point Nature Park in hosting the first ever event commemorating "Working Watermen's Weekend" and honoring Bay watermen and their craft, at their facility on May 1st and 2nd, 2009.

Adopted this 21st day of April, in the two thousand and nine year of our Lord.

PAYROLL

The motion to approve payroll for the month of April was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. Checks numbered 64534 through 64601 totaling \$316,745.57 were disbursed as approved.

DISBURSEMENTS

The motion to approve the disbursements was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Checks numbered 64602 through 64671 totaling \$41,443.54 were disbursed as approved.

CLOSED SESSION

The motion to convene in closed session to discuss matters pertaining to personnel, pursuant to Code of Virginia, §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. 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.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.

DRAINAGE

Mr. Miller questioned the status of the drainage problem from the elementary school onto an adjoining property. Mr. Culley would look into the status.

ADJOURN

There being no further business, the meeting was adjourned until May 5, 2009, at 9:00 a.m.

Robert A. Crump, Chairman
Board of Supervisors