

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 17, 2009, IN THE BOARD ROOM OF THE  
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

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

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

Absent: John D. Miller, Jr., Saluda District

**CALL TO ORDER**

Mr. Crump called the meeting to order and offered a prayer, including Mr. Miller, who was absent due to recent illness. Mr. Culley led the Pledge of Allegiance.

**PUBLIC HEARING – CAPITAL IMPROVEMENT PLAN FY 2010-2014**

Mr. Walker, Planning Director, presented updates of the County's Capital Improvement Plan, noting that the only changes made to the plan were to remove two completed projects, the roof project at the high school and construction of the T-hangars at the airport; priorities were not reviewed or changed. Mr. Walker reminded the Board and public that the plan was a planning document only and that a more in-depth study was proposed for the spring of 2010.

Mr. Crump opened the public hearing for comments. There being no comments from the public, the public portion was closed. Mr. Williams suggested that because of the expense involved with the wastewater treatment plant that project should be moved to lower on the priority list. The motion to approve the plan as proposed was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

**PUBLIC HEARING – COMPREHENSIVE PLAN**

Terry Harrington of TMH Associates made a presentation of the proposed Comprehensive Plan, highlighting differences between the current plan adopted in 2001 and the proposed plan. Mr. Harrington noted that preserving rural character was still the top priority and preservation tools have been included as options to consider during development. The proposed land use map is more specific, being defined by tax map parcels and features and has more guidance for the Planning Commission and Board of Supervisors. Mr. Walker noted that it is intended that this plan be reviewed

every year to catch inconsistencies and to keep it up to date so that future reviews would not be as costly.

Mr. Crump opened the meeting for comments from the public. Janet Smith, a member of the Urbanna Town Council, noted that nothing has been included in the plan with regard to sewage disposal into Urbanna Creek. She also noted that while the plan is a guide, the County as well as developers are still expected to follow the plan.

Mark Lomax questioned whether the land use maps would be available for public review. Mr. Walker stated that the maps were available for review at the county offices and sections could be printed for the individual citizens.

Bob Calves noted errors in the plan with schools being shown in the wrong location and inconsistent statements with regard to waste treatment, some stating that water quality needed to be preserved and protected but others noting plans for a future waste water treatment plant. Mr. Calves also noted that the plan addressed services such as Animal Control that Mr. Calves felt were not equally shared with Urbanna residents.

John England, a member of the 2006 Steering Committee, noted that he hoped action could be taken by the beginning of the new year. Mr. England also noted that the new maps and verbiage will be much easier for the Planning Commission and Board of Supervisors to work with.

There being no further comments, the public portion of the hearing was closed. Mr. Williams noted that the vote should be delayed until Mr. Miller could be present, giving the staff and consultant a chance to correct some of the inconsistencies pointed out. Board members also thanked everyone involved in the process. It was agreed that action would be delayed until Mr. Miller is present.

### **APPROPRIATION REQUESTS**

The motion to approve the following appropriation was made by Mr. Jessie seconded by Mr. Williams and carried unanimously: FROM: 3-1-41060-0001, \$117,653.00, Fund Balance TO: 4-071-068201-8301-900, \$117,653.00, Hardware Replacement – Prior Year. This was to appropriate the balance of funds available to be spend from a VPSA Technology Grant to be reimbursed at a later date.

The motion to approve the following appropriation was made by Mr. Williams seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-16030-0001, \$4,080.00, Passport Fees TO: 4-1-12130-1003, Compensation Part Time; appropriation of a portion of fees collected from passport applications.

### **BROAD CREEK DREDGING EASEMENT**

The Army Corps of Engineers has proposed relocating the discharge pipe for the Broad Creek dredging project so that the outfall will be in a cove rather than over a sandy beach area. This change requires an additional temporary easement on property at Norview Marina. Mr. Ernest Asaff, one of the owners, has requested reimbursement of his attorney's fees to review the easement documents, at a cost not to exceed \$700.00. The motion to approve a reimbursement, not to exceed \$700.00, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

### **AIRPORT CRACK SEALING**

Three bids were received by the deadline established for this project: Payne's Parking Designs - \$6,744.00; Slurry Pavers, Inc.: \$9,382.50; and Pavement contracting Services - \$13,777.00. The motion to accept the bids and award a contract to Payne's Parking Designs, pending approval of an 80% reimbursement from the Department of Aviation, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

### **COMPOSITE INDEX FORMULA**

The motion to endorse a request to Delegate Morgan and the General Assembly for changes in the composite index formula was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. It is proposed that the following two numbers not be included in the calculation:

- Land that has received a reduced taxable value because of its inclusion in conservation easements, land use zoning, etc. continue to be computed at its fair market value instead of its reduced taxable value; and
- Homes under construction should not be included in the annual ratio study performed by the Virginia Department of Taxation.

### **TIER III EXCEPTIONAL WATER APPLICATION**

Mr. Culley reminded the Board that the comment period to the Department of Environmental Quality on the Town of Urbanna's application to have Urbanna Creek declared as exceptional water runs out on November 30<sup>th</sup>. Mr. Culley noted that there are no other creeks or waters in the State that are similar to the Urbanna Creek proposal. The others are in pristine areas with little or no development. The State Water Control Board sets the regulations for exceptional waters, which currently would not allow for any additional permits for wastewater discharge.

Board members noted that they were not opposed to clean waters and were not opposed to the Town making the application; however, there was not enough

information on the implications of the Tier III designation to make an informed comment on the application itself. Mr. Williams noted that with the marinas and boat activity he did not see how the application could be approved. No action was taken at this time.

### **PAYROLL**

The motion to approve payroll for the month of November was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 66183 through 66246 totaling \$320,197.98 and 66315 through 66316 totaling \$4,079.94 were disbursed as approved.

### **DISBURSEMENTS**

The motion to approve the disbursements was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 66247 through 66314 totaling \$222,005.72 were disbursed as approved.

### **PUBLIC COMMENT**

Bob Calves noted that the boating industry was changing along with the elimination of toxic bottom paints. He noted that the topography along Urbanna Creek is unique and must be preserved. Mr. Calves also pointed out that Mr. Crump had spoken in favor of the Tier III application at a candidate forum; Mr. Crump commented that his statement had been that he was in favor of clean water.

Janet Smith commented that Urbanna Creek must have met the criteria for an exceptional creek, otherwise DEQ would not have accepted their application. Ms. Smith encouraged the Board to take application on the request.

### **EMERGENCY REPAIR POLICY**

The motion to adopt the following emergency repair policy as a result of the remnants of Hurricane Ida and nor'easter was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously:

November 11-13 weather event  
Emergency Structure Repair Policy  
**Revised November 17, 2009**

The County may authorize emergency permitting and repairs to structures, such as dwellings, accessory structures and certain marine structures (i.e. bulkheads and riprap), pursuant to the following requirements and procedures:

1. For emergency permitting and repair of existing structures, contact the Middlesex County Department of Planning and Community Development; Tripp Little, Environmental Planner (804-758-0500); or David Selph, Building Inspector (804-758-4305).

2. If a marine structure was built within the past five (5) years, please provide the Joint Permit Application number so that existing permit record may be referenced and repairs noted.
3. County staff will visit the site to document damage and repairs to be made. The nature and extent of the damage must be determined per the Virginia Department of Emergency Management. Submittals may be made in person or by phone. If it is determined that an on-site visit is necessary, all such site visits will be performed and completed within 24 hours of notification. A Middlesex County Zoning and Building Permit Application must be completed prior to all repairs. A \$25.00 permitting fee will be charged.
4. Only repairs to, and identical replacement of, existing structures can be made in this manner. Repairs constituting an expansion, change of location, or other deviation from the existing permitted structure are not allowed under this emergency permitting policy.
5. All new structures, not constituting the repair of an existing structure, must go through normal local, state and federal permitting procedure as applicable.
6. The Building Inspector must evaluate structural damage to dwellings and accessory structures for life safety.
7. All repairs must be done in accordance with the Building Code.
8. All requests for repair must be submitted to the Department of Planning and Community development by December 31, 2009.
9. All shoreline stabilization projects and repair or replacement of docks, piers, boathouses, boatlifts must gain authorization of Chip Neikirk, Virginia Marine Resources Commission, at (757) 247-2254 prior to the commencement of repair or replacement.

### **WAIVE FEES**

The motion to waive the permit fees for renovations the Hartfield Volunteer Fire Department is making to their pavilion was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

The motion to amend the master plan and waive the fees for an addition to a pole shed behind the main building was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

### **ADJOURNED**

There being no further business, the meeting was adjourned until the regular meeting scheduled for December 1, 2009, by motion of Mr. Jessie, second by Mr. Williams, carried unanimously.

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Robert A. Crump, Chairman  
Board of Supervisors