

A letter from the Mecklenburg County Attorney explaining the Board of Supervisors' decision to not create a Merifield Acres Service District for Road Maintenance.

May 14, 2002

Paul A. Lautermilch
Merifield Acres Landowners' Association
Post Office Box 70
Clarksville, Virginia 23927

Dear Mr. Lautermilch:

I write on behalf of the Mecklenburg Board of Supervisors to convey their decision regarding the creation of a Service District for the Merifield Acres area.

The Supervisors appreciate your having taken time to meet with staff personnel, several weeks ago, and then with the full Board yesterday, to discuss this matter.

I think you realize that the Board has afforded a great deal of time and attention to this matter. After considerable deliberation, the Board voted yesterday against forming a Service District for the Merifield Acres area.

The issues which were important to the Supervisors in reaching their conclusion included the following:

1. Although we discussed the many issues which the Supervisors identified in evaluating this request, and although you offered reasonable solutions to most of those issues, the number of issues remained a concern (e.g., Public Procurement Act issues; funding of services from Service District levy; management of responsibilities within Service District area; setting of precedent by creation of a Service District; etc.).

2. It appeared possible to create a means by which the issues could be resolved for a Service District serving the Merifield Acres area, and it appeared that the effort required of the County could be handled by the County's current staff. However, there was concern that the creation of other Service Districts would prove inevitable, and then at some point the workload created by those Service Districts would be more than the County's current staff could handle. At that point the County would presumably have to add another employee to manage Service District issues. At that point those residing within Service Districts would have to underwrite a considerable additional cost.

3. There was concern that creation of one Service District would inevitably lead to the creation of *many* Service Districts. While the Supervisors would have the "legal right" to say no to any particular request for creation of a Service District, as a practical matter they did not see how they could say yes to one request and no to another. The Supervisors concluded that it would not be good public policy for the County to assume responsibility for road maintenance in every private subdivision which encounters problems.

4. Even though you worked hard to secure evidence of substantial support for your request, the Supervisors remained concerned by the opposition, both actual and potential. There can be no doubt that some individuals are adamantly opposed to the creation of a Service District (Hal Norman, et als.). Because a large percentage of Merifield Acres residents did not respond to your questionnaire, there is potential for opposition to develop among those persons.

5. Although you made a good case for creation of a "Merifield Acres Service District", there was some discussion concerning the "fairness issue". Those who purchased property in Merifield Acres either knew, or should have known, of the covenants pertaining to road maintenance. There was concern as to whether the County should intervene and impose a "public sector solution" on what developed as a "private sector problem", especially since there appeared to be vocal opposition from some of those who reside in the Merifield Acres area.

The foregoing is not a comprehensive list of all the matters discussed by the Supervisors, but does represent some of the primary issues of concern, and further evidences the considerable thought given to this matter by the Supervisors.

With best wishes, I am
Sincerely,

/s/ Russell O. Slayton, Jr.

cc: Board of Supervisors
Polly C. Johnson