

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 15, 1997, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
John D. Miller, Jr., Saluda District
Lenora O. Weber, Saluda District
Frank Jessie, Jamaica District

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

CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Crittenden, and opened with a prayer.

PUBLIC HEARING -- REVISION OF FEES -- COMMUNITY DEVELOPMENT DEPARTMENT

Mr. Wilson presented a proposal, as previously discussed with the Board, to increase some and consolidate all, fees of the Community Development Department. Some application fees have been increased to cover the cost of advertising, a fee previously charged separately to the applicant by the newspaper.

Mr. Crittenden opened the hearing for comments from the public. Roger Harshbarger commented in favor of the proposal, noting that it was simpler to have only one fee to pay. There being no additional comments, the public portion of the hearing was closed. Mrs. Weber commented that she would prefer that larger advertisements be placed in the newspaper. After some discussion, the motion to approve the increase and consolidation of fees and the use of enlarged print/advertisements for public hearing notices was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING -- SPECIAL EXCEPTION 97-002, GAYLE NELSON

Mr. Wilson presented a request for special exception submitted by Gayle Nelson to replace an existing single-wide mobile home with a new double-wide manufactured home in a Village Community (VC) zoning district.

Mr. Crittenden opened the hearing for comments from the public. Mr. Alexander Sutherlin, Jr., brother to Mrs. Nelson and adjoining property owner, expressed no opposition to the request. Mrs. Nelson indicated she was aware of the \$500.00 bond that was required to insure removal of the existing unit.

The motion to grant special exception application #SP-97-002 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING -- REZONING APPLICATION R-97-001, ROGER HARSHBARGER

Mr. Wilson presented application R-97-001, a request to rezone Tax Map 30-90 and 30-3-3, a combined total of 6.36 acres, from Village Community to General Business district. This property is currently undeveloped, however, the owner proposed to develop the property with general business uses, a small shopping center and a boat sale/storage/service business. Major site plans for these uses have been submitted to the Planning Commission. Approval of the application was recommended by the Planning Commission. The floor was opened for public comment.

Mr. Harshbarger confirmed Mr. Wilson's statements regarding development plans for the properties. The Planning Commission has recommended some additions to the plan prior to final approval.

Phyllis Horton questioned whether an existing 16' right of way would be used. Mr. Wilson explained that the Planning Commission has required that the proposed uses be screened from the right of way and Route 3 and the ingress and egress to the properties would be from Route 3.

Sandra Lowe questioned the lighting plan for the center. Mr. Harshbarger responded there would be no flood lighting, some parking lot lights on timers would be used.

Kia Hueacher requested clarification regarding the right of way, which she received.

There being no further comment, the public portion of the hearing was closed. Board discussion followed regarding the proposed uses and clarification of Planning Commission requirements. The motion to approve the request for rezoning was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING -- AMENDMENT APPLICATION AM-97-002, JIM VANLIEW

Mr. Wilson presented an application submitted by Jim Vanliew, RBR, Inc., contract purchaser, to have "car race track" added as a permitted use in the Low Density Rural zone. Car race tracks are not listed as permitted uses in any zoning district. The only racetrack operating in the County operates as a legal non-conforming use with its continuation subject to all conditions and limitations of law imposed upon such status. While not in conflict with the Comprehensive Plan, Mr. Wilson does not warrant a finding of being in substantial accordance with the Plan. Mr. Wilson and the Planning Commission recommended any action to approve the requested use be done so on the basis of special exception permit.

Mr. Crittenden opened the hearing for public comments, which are summarized below:

Sandra Lowe -- presented letter to Board in opposition, noting especially the drain on volunteer fire and rescue services.

Shirley and Garrison Hart -- adjoining property owners to existing track and are opposed to request; questioned results of environmental studies or if any had been done.

Jim Vanliew -- intends to recondition the existing track and add improvements; no expansion can be undertaken until the use becomes conforming; some environmental impacts have been studied; company considers this a viable project.

Kerry Robusto -- opposed; also stressed current lack of volunteer emergency services.

Kia Hueacher -- opposed

Judy Glock -- existing facility is beyond needing improvements, they need replaced; problems noted with existing septic system; racetracks provide great family entertainment.

There being no further comments, the public portion of the hearing was closed. Board members questioned the applicant regarding his proposed improvements. It was noted that current problems with the septic system should be address by the Health Department. Mr. Crittenden noted that a letter had been received from W. W. Woodward, Jr., Resident Engineer, Virginia Department of Transportation, concerning implementation of safe and efficient ingress and egress to such facilities and implementation of a requirement that applicants obtain commercial entrance permits

from his department. The motion to deny the amendment request was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING -- AMENDMENT APPLICATION -- AM-97-003

Mr. Wilson presented an application submitted by George Davis to list "car wash" as a permitted use in the General Business zoning district. Mr. Wilson maintained that the proposed use is generally compatible and associated with permitted uses in General Business Districts such as convenience stores and service stations. Approval of the application was recommended by Mr. Wilson and the Planning Commission.

Mr. Crittenden opened the hearing for comments. There being no comments from the public, the public portion of the hearing was closed. Mrs. Weber noted she preferred to have this use permitted by special exception. The motion to approve the request was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

PARKS AND RECREATION FACILITIES POLICY

Parks and Recreation Director, Karen Reed and Committee member, John Gillie, presented proposed guidelines for the Sports Complex and other facilities. After much discussion, Board members questioned the use of waiver forms and insurance to cover any persons using County facilities. Mr. Culley and Mr. Soberick are to check with the County's insurer for adequate coverage and the use of waiver forms for specific groups.

Following a discussion on operating expenses, it was decided that separate line items for expense and revenue from the Sports Complex activities would be added to the budget. In addition, it was requested that an enclosed bulletin board be added at the concession area.

The motion to approve the policy, upon verification of insurance coverage and adding additional budget accounts, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

FARMER'S MARKET POLICY

Board members reviewed the following possible guidelines for use of the Farmer's Market currently under construction:

1. Open dawn to dusk
2. No overnight parking; unattended vehicles will be towed
3. "First come, first served"; only one space per vendor; no reserving of spaces
4. No alcoholic beverages
5. Vendors responsible for daily cleaning and removal of trash from "their" space
6. All liquid waste to be removed from site, none poured on ground
7. Vendors limited to selling locally grown produce and locally harvested aquaculture products; no wholesalers or retailers

Members were asked to consider additional restrictions. No action was taken at this time.

COMPREHENSIVE SERVICES

Appropriation Requests:

The motion to approve an additional appropriation of \$28,620, to fund the change in treatment of a comprehensive services case was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. This appropriation would fund additional services (residential treatment) through June 30, 1997.

The motion to endorse the appropriation of \$15,045.00, the amount received as part of a family preservation grant was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Grant funds have been placed into an account accessed by the Department of Social Services. The grant will be used to fund a resource mother employed by the Health Department.

Resolution:

The motion to endorse the following resolution as an opportunity to reduce some of the costs of providing services under the Comprehensive Services Act was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

RESOLUTION

UPDATE OF THE COMPREHENSIVE STATE PLAN

**THE DEPARTMENT OF MENTAL HEALTH, MENTAL RETARDATION
AND SUBSTANCE ABUSE SERVICES**

WHEREAS, The County expenditures for the Comprehensive Services Act program are increasing at alarming rates; and

WHEREAS, many children who are served by the program used to be housed in state run hospitals such as Eastern State; and

WHEREAS, the State has closed the adolescent portion of the facility; and

WHEREAS, the County currently has to contract with private providers for residential treatment at costs which are set by the private sector; and

WHEREAS, there have been escalating costs for services for residential placement which once was provided by facilities, such as Eastern State; and

WHEREAS, there are not enough children with special needs in Middlesex County to operate a public facility of this type;

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors hereby supports the study of building, renovating, or operation of existing facilities at Eastern State, for the purpose of serving the adolescent population in need of residential placement; and

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors would encourage the Middle Peninsula Planning District Commission to work with the Hampton Roads Planning District Commission and the Middle Peninsula Community Services Board to make recommendations to the update of the Comprehensive State Plan of the Department of Mental Health, Mental Retardation and Substance Abuse Services and to the HJC 240 Committee which is studying the delivery of community based mental health services.

VIRGINIA EMPLOYMENT COMMISSION

The motion to endorse the plan of service submitted by the Virginia Employment Commission was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

APPOINTMENT -- BOARD OF ZONING APPEALS

No action was taken on a recommendation for appointment to the Board of Zoning Appeals. Mr. James Ray's term expires April 30, 1997.

AIRPORT

The Board considered a request from Mr. Gary Ellis who wishes to lease property at Hummel Field to erect hangar facilities. The Airport Committee will be asked to form a sub-committee to study leasing the property.

WATER -- DELTAVILLE AREA

Board members were presented information regarding the next steps for pursuing a water system for the Deltaville area.

DISBURSEMENT

Mr. Culley confirmed that a payment to R. Stuart Royer which was held from the previous meeting, was a legitimate expense. The motion process payment was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

EXECUTIVE SESSION

The motion to convene in Executive Session, for consultation with legal counsel, pursuant to Section 2.1-344.a7, Code of Virginia, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Miller seconded by Mr. Williams and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

- There was no action as a result of the Executive Session.

INDUSTRIAL DEVELOPMENT AUTHORITY

A luncheon meeting with the County's Industrial Development Authority members is being scheduled.

ADJOURN

There being no further business, the chairman adjourned the meeting until May 6, 1997, at 9:00 A.M.

Fred S. Crittenden, Chairman
Board of Supervisors