

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 16, 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
Frank Jessie, Jamaica District

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

Absent: Lenora O. Weber, Saluda District

CALL TO ORDER

The meeting was called to order at 7:30 p.m. by the Chairman, Mr. Crittenden, and opened with a prayer. Mr. Crittenden noted that Mrs. Weber was absent due to a death in her family.

PUBLIC HEARING - AMENDMENT APPLICATION 97-11, ANIMAL HOSPITAL IN GB ZONING DISTRICT

Planning Director, Tim Wilson, presented application 97-11, an application to amend Section 11-3, permitted uses in the general district zoning district, to include animal hospitals. Mr. Wilson noted that this use was currently permitted in LDR and Village Community zones by right. Approval of the application was recommended by the Planning Commission.

Mr. Crittenden opened the public hearing for comments. Edwin Ruark, applicant, was present to address any questions. There being no comment from the remaining public, the public portion of the hearing was closed. There were no Board comments. The motion to approve the application was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-97-008, MUSEUM IN GENERAL BUSINESS DISTRICT

Mr. Wilson presented application SP-97-008, an application for establishing a museum at Tax Map 26B, parcels 81 and 81A, zoned General Business, in the Village of Saluda. As history to this application, in August, 1996, an ordinance amendment was approved by the Board which added museums as special exception uses in the general business district. A major site plan would be required for the application. The Planning Commission had recommended approval.

Mr. Crittenden opened the public hearing for comments. Vaughan Noble, Vice President and Mavis Mangum, Secretary/Treasurer, Middlesex County Museum, Inc., noted their presence to address any questions. There being none, the public hearing was closed. The motion to approve application SP-97-008, for establishing a museum at Tax Map 26B, Parcels 81 and 81A, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-97-009, SECOND RESIDENCE

Mr. Wilson presented application SP-97-009, an application from Harry and Belinda Simmons to establish a second residential structure at Tax Map 7, Parcel 45 & 45A, for use by an immediate family member. The property, a total of 13.2 acres, is zoned Low Density Rural. The Planning Commission recommended approval of the application. Mr. Wilson further recommended that Board approval be conditioned upon the following: "in the event either the home authorized under this permit for occupancy

by an immediate family member or the existing home occupied by the property owner becomes unoccupied for more than ninety (90) days, one (1) of the two homes shall be removed from the property. The property owner shall be responsible to immediately notify the Zoning Administrator of any change of occupancy or vacancy concerning either dwelling.”

Mr. Crittenden opened the public hearing for comments. There being none, the public hearing was closed. The motion to approve the application with the above condition, as recommended by the Planning Director, was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-97-010, SECOND RESIDENCE

Mr. Wilson presented application SP-97-010, an application Anne Grow to establish a second residential structure at Tax Map 40, Parcel 23C, for use by an immediate family member. This property, 1.3 acres, is zoned Low Density Rural. The Planning Commission recommended approval of the application as presented. Mr. Wilson further recommended that Board approval be conditioned upon the following: “in the event either the home authorized under this permit for occupancy by an immediate family member or the existing home occupied by the property owner becomes unoccupied for more than ninety (90) days, one (1) of the two homes shall be removed from the property. The property owner shall be responsible to immediately notify the Zoning Administrator of any change of occupancy or vacancy concerning either dwelling.”

Mr. Crittenden opened the public hearing for comments. There being none, the public hearing was closed. The motion to approve the application with the above condition, as recommended by the Planning Director, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

GATEWAY SIGNS

The motion to adopt the following resolution dealing with gateway signage was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

RESOLUTION GATEWAY SIGNAGE

WHEREAS, the Middlesex County Board of Supervisors has appointed a Tri-Centennial Committee to coordinate efforts to celebrate the County’s 325th Anniversary; and,

WHEREAS, the Anniversary Committee desires to erect Gateway Signs at the entrances to Middlesex County; and,

WHEREAS, the Middlesex County Board of Supervisors has endorsed this project, at their meeting on October 7, 1997,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation grant authorization to erect these signs within the right of ways at the four (4) entrances to the County; and,

BE IT FURTHER RESOLVED, this Board acknowledges that the Virginia Department of Transportation has no responsibility or liability due to the presence of the signs within the right of way; and,

BE IT FURTHER RESOLVED, that adoption of this Resolution assures that the costs for the construction, continued maintenance, relocation and future improvements to the signs shall be provided from sources other than those administered by the Virginia Department of Transportation.

RAPPAHANNOCK RIVER BASIN STUDY COMMISSION

The Board considered adoption of a resolution which requests the continuation of the Rappahannock River Basin Study Commission. After some discussion, the motion to adopt the proposed resolution with the addition of language stipulating the Board's understanding that no local funding would be required, nor was being requested and that the Commission had no regulatory powers, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

RESOLUTION
RAPPAHANNOCK RIVER BASIN STUDY COMMISSION MEMBER
JURISDICTIONS IN SUPPORT OF A CONTINUING COMMISSION

WHEREAS, the Rappahannock River is a resource of great value to the localities in the basin and to the Commonwealth of Virginia; and

WHEREAS, the Rappahannock River connects all of the basin's localities and is influenced by each of the localities activities and decisions such that one jurisdiction may impact the uses made of the river by other jurisdictions; and

WHEREAS, members of the General Assembly and the local governments of the Rappahannock River Basin have met as the Rappahannock River Basin Study Commission (RRBSC) over a two year period to examine, evaluate, and make recommendations on the potential structures and goals of mechanisms to address coordination, communication and planning on issues of basin-wide significance; and

WHEREAS, the RRBSC also discussed the many issues facing the Rappahannock River and the individual and mutual interests and concerns that each of the jurisdictions have in the river; and

WHEREAS, through those discussions the RRBSC has found that : (i) there is a need for a mechanism for coordination and communication for the multitude of individual, local, state and federal activities that influence the basin's natural resources; (ii) there is a need for easily accessible information for decision making at both the public policy level as well as the individual level; (iii) the environmental health of the basin directly impacts economic health; (iv) there are great benefits to be derived from the basin's localities meeting together and discussing their individual and mutual concerns; (v) to help address these issues there should be a continuing commission composed of elected officials from throughout the basin; (vi) such a commission should not be a regulatory body; and (vii) that such a commission should have a concise mission statement with emphasis on stewardship, protection and enhancement of the basin's water quality and other natural resources; and

WHEREAS, the RRBSC has agreed upon proposed legislation to address these findings and including the purposes, mission and structure for a continuing Rappahannock River Basin Commission for introduction and consideration during the 1998 Session of the General Assembly; and

WHEREAS, this jurisdiction agrees with the finding of the RRBSC and supports the creation of a continuing Rappahannock River Basin Commission as called for in the legislation proposed by the RRBSC;

NOW, THEREFORE, BE IT RESOLVED, by the Middlesex County Board of Supervisors, that it supports passage of the legislation crafted by the Rappahannock River Basin Study Commission and hereby expresses its intent to participate as member in such a commission;

BE IT FURTHER RESOLVED, that it is the understanding of the Middlesex County Board of Supervisors that no local funding would be required, nor was being requested; and

BE IT FURTHER RESOLVED, that a copy of this resolution be prepared and delivered to the members of the General Assembly so that they may be apprised of the sense and intent of this body regarding the passage of legislation for the formation of a Rappahannock River Basin Commission.

THE COVES AT WILTON CREEK

The Board considered a proposal submitted by Gene Kohler, General Partner, The Coves at Wilton Creek, that the County collect the Coves' sewage/water connection fee of \$5,000 at the same time the building application for the new home is made. In exchange for this service, Mr. Kohler offered for the County to retain \$250 per connection. It was a consensus of the Board that the County should not become involved in dealing with private corporations.

APPROPRIATION REQUEST

After discussion, the motion to approve the appropriation of \$111,018, the amount needed to fund existing comprehensive services cases through June 30, 1998, was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously. It was noted that additional funding would be required for any new cases or additional treatment of existing cases.

DELTAVILLE WATER SYSTEM

Mr. Culley reported that after attempting to contact numerous companies, no additional estimates for digging a test well for the Deltaville Water System had been received. Mr. Culley was instructed to proceed with drafting an informative letter outlining cost options and to continue researching costs for the test well.

SPORTS COMPLEX

Mr. Crittenden noted that Mrs. Weber had requested that discussion on this topic be postponed until she was present.

OTHER BUSINESS

Game Laws:

Mr. Miller inquired which agency was responsible for establishing game laws, especially regarding hunting times and limits, noting that these items varied from area to area. The Chairman informed the Board that the State regulates these items.

EXECUTIVE SESSION

The motion to convene in executive session for discussion with legal counsel regarding the middle school roof, and pending litigation regarding the airport, per Code of Virginia, Section 2.1-344.a7, 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. Jessie 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. Mr. Soberick announced that the suit involving the middle school roof was settled and the County would be receiving \$22,000 to be held in a separate account and used when necessary toward roof repairs.

ADJOURN

There being no further business, the Chairman adjourned the meeting until the Board's organization meeting on January 6, 1998, at 9:00 A.M..

Fred S. Crittenden, Chairman
Board of Supervisors