

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 21, 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 PM by Mr. Crittenden and opened with words of prayer.

PUBLIC HEARING -- SP-96-009, ROBERT AND CAROLYN GIBSON

Planning Director, Tim Wilson, presented the request of Mr. and Mrs. Gibson to provide a second dwelling (single-wide manufactured home) on the same parcel of land as their primary dwelling for an immediate family member. The location of the property is Tax Map 17-45 on State Route 612, 22.435 acres. Mr. Wilson noted that the proposed home is to be centrally located and toward the rear of the property, approximately one-thousand feet back from Route 612, and exceeds the minimum Low Density Rural District setback and yard requirements. The Planning Commission recommended conditional approval in that if the dwelling remains unoccupied for a period of 90 days, the home is to be removed.

Mr. Crittenden opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Board members discussed extending the period for non-occupation. The motion, to approve application SP-96-009, with the condition that if the dwelling remains unoccupied for a period of 120 days, the home is to be removed, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING -- SP-96-008 -- OSCAR BARBER, DELAWARE CORPORATION

Mr. Crittenden informed the Board that this application had been withdrawn earlier in the day.

PUBLIC HEARING -- SITE PLAN APPLICATION 96-021

Mr. Wilson presented the application for J.C. Marine, Ltd., Deltaville Marina, requesting amendment of the existing site plan for the marina formerly known as Club on Jackson Creek. The owners request construction of a new 180 foot pier with 18 open boat slips, the relocation of the existing travel lift slip to include a new wash down pad, and the construction of a proposed 65' x 35' accessory storage building. This property is located at the end of Route 683, tax map 41-58, 12.936 acres and is zoned waterfront commercial. According to Mr. Wilson, the site plan submitted provides a complete picture of existing structures and uses of the property, future additions that were approved under previous site plans and the current proposal. Approval of the submitted plan would clear up the record of zoning actions taken on this property from the late 1980's to 1995 which is both incomplete and unclear.

According to Mr. Wilson, the Planning Commission recommended approval of the proposed site plan and related conditions as the single official site plan approval for the said property. In addition, Commission approval listed the following conditions: (1) implementation of an approved Erosion and Sediment Control plan within 120 days; (2) no approval of zoning or building permits until the previous condition (1) is satisfied. Mr.

Wilson believed that implementation of the erosion plan would alleviate erosion problems on adjoining property.

Mr. Crittenden opened the hearing for comments from the public. Mr. George Harris commented that the previous site plan requirements of stormwater runoff, screening or replacing trees that had been destroyed have still not reached compliance. Some of these problems have been going on for four (4) years. Mr. Harris commented that the County should take the responsibility for enforcement of existing restrictions on the already approved plans and any other ordinances that may affect this site. Mr. Harris recommended that the marina be required to comply with all existing and applicable codes and ordinances and requirements prior to obtaining site plan approval.

Mrs. Thrya Harris commented that there had been a blatant disregard for regulations by the previous owners and that no permits should be issued until compliance with existing permits is achieved. Mrs. Harris also commented regarding her understanding that the Broad Creek area was to be developed as waterfront commercial and Jackson Creek was to remain residential/non-commercial.

Mr. Ted Vest, co-owner/applicant, commented that he and the other owners cannot live up to the promises made by the previous owners. According to Mr. Vest, plans have been submitted which address the erosion problems; screening has been established between the marina and the Harris property and the other neighbors have been satisfied. Mr. Vest's proposal to remove the boathouses will improve the appearance of the property; the additional slips are proposed to compensate for the loss of revenue from removing the covered slips.

Mrs. Connie Vest, co-owner, spoke from the real estate point of view in that the improvements proposed would improve the marina site, increasing its property value along with that of the adjoining property. In addition, Mrs. Vest reminded the Board that the marina existed prior to the residential development adjoining the property.

There being no additional public comment, the public portion of the hearing was closed. Mr. Wilson commented that there were three (3) drainage problems being addressed with the proposed plan; the Planning Commission's conditional approval recommended that development be halted until corrections for these problems were implemented.

Board members commented regarding the lack of enforcement of conditions in the past. Mr. Crittenden indicated that the erosion problems at the site needed to be taken care of first before he would consider approval for any internal changes; he would not vote for expansion of development of the site. The motion to deny approval of Site Plan Application 96-021 for J. C. Marine, Ltd., was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

REZONING APPLICATION -- 96-003, JOHN MCKRAY

Mr. Wilson presented the application to rezone Tax Map 40-64, lots 1, 2, and 3, a total of 6.29 acres, from Residential to Low Density Rural, LDR, to allow for the continued keeping of calves on the property (a permitted use in LDR). Mr. Wilson advised the Board of the notice of zoning violation and enforcement order issued November 4, 1996, concerning the unpermitted keeping of calves on this property. According to Mr. Wilson, the Planning Commission recommended denial of the application, viewing the request as one to down zone and adding that it was improper to rezone as a remedy to a violation.

Mr. Crittenden opened the public hearing for comments. Mr. McKray, owner, commented that the cows had been on his property for over two (2) years and his keeping of them had been discussed with the previous zoning administrator. Mr. McKray indicated his desire to keep the cows for his children, possibly adding more, at the most a total of 10, and possibly other animals in conjunction with 4-H programs for his children. Mr. McKray noted that his property and that surrounding had been farmed

for over 50 years and his cattle would be kept behind white wooden fences, and off Route 33.

Mr. Lee White voiced his opposition to the proximity of this application to the parsonage of Clarksbury United Methodist Church, adding that it devalued the value of the parsonage and posed a potential health hazard to its residents.

Mr. Ed Robins, living across Route 33 from this location, commented that the he has no opposition for Mr. McKray, however, the neighbors could be left with problems if Mr. McKray's plans are not fulfilled. Mr. Robins noted that the zoning regulations also served to protect adjoining residents and the rezoning should not be approved to satisfy a wish.

Mr. McKray presented a petition signed by eleven (11) residents of Hardyville to show reasonable agreement with his request for the continued keeping of livestock and fowl.

There being no additional comments, the public portion of the hearing was closed. The motion to deny the application for rezoning was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING -- INTERMODEL SURFACE TRANSPORTATION
ENHANCEMENT ACT**

Mr. Culley presented a request on behalf of the County's Anniversary Committee for County application for grant funding from the Department of Transportation for the erection of signs at the four (4) entrances to the County. Total project cost is \$15,000, with \$12,000 federal participation requested and \$3,000 as the applicant match. The Anniversary Committee proposes to provide the matching funds of the applicant. The signs would be of a similar design to that at the entrance to the Town of Urbanna.

Mr. Crittenden opened the hearing for comments for comments from the public. There being none, the public portion of the hearing was closed. The motion to approve the application and endorse the resolution to accompany the application was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

**RESOLUTION
FY 1998 TRANSPORTATION ENHANCEMENT
PROGRAM GRANT APPLICATION**

MIDDLESEX COUNTY GATEWAY SIGNS

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request be resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED, that the Middlesex County Board of Supervisors, requests the Commonwealth Transportation Board to establish a project for the establishment of Middlesex County Gateway Signs.

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors hereby agrees to pay 20 percent of the total cost for planning and design, right of way, and construction of this project, and that, if the Middlesex County Board of Supervisors subsequently elects to cancel this project, the Middlesex County Board of Supervisors hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

RAPPAHANNOCK RIVER BASIN RESOLUTION

The motion to endorse the following resolution requesting extension of the Rappahannock River Basin Commission for an additional year was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

RESOLUTION

WHEREAS, the 1996 Session of the General Assembly passed Senate Joint Resolution 92 establishing a special study panel to examine, evaluate and make recommendations for the potential structures and goals of a mechanism to address coordination, communication and strategic planning on issues of basin-wide significance in the Rappahannock River Basin; and

WHEREAS, the panel, composed of representatives of the basin's local governments and members of the General Assembly, met at locations throughout the region; and

WHEREAS, the panel examined, discussed and compiled information on a wide variety of topics including: (i) uses made of the river; (ii) concerns regarding the current and future condition of the river and threats to the health and uses of the river; (iii) efforts made to address concerns about the river; (iv) the economy, demographics and growth in each of the four planning district commissions found in the basin; (v) numerous laws impacting the river and its resources; (vi) a number of previous studies conducted on the river and basin; (vii) examples of communication, coordination and planning efforts at the sub-basin level; and (viii) the economic importance of the river to each of the basin's localities; and

WHEREAS, the existence of the study panel has heightened awareness of the mutual as well as divergent interests in the river and has been invaluable in increasing communication and understanding among all parties; and

WHEREAS, at a public hearing held by the panel, citizens from throughout the basin presented a clear message in favor of protecting the river and providing for basin-wide communication, coordination and planning; and

WHEREAS, the panel members have begun examination of the elements for inclusion in such a basin-wide structure but, due to the complexity of the issues and time constraints, have not been able to complete their discussions; and

WHEREAS, the panel members agree that the current panel should continue its work for one more year so that it may make recommendations on such a structure;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Middlesex County, that the potential is there to develop a continuing basin-wide structure to facilitate communication, coordination and planning for the basin and that the panel should continue its work for one more year so that it may make recommendations on such a structure.

PROPOSED COLEMAN BRIDGE LEGISLATION

Senator Bolling has requested the Board's input regarding proposed legislation to reduce tolls for commercial vehicles using the Coleman Bridge. It is proposed that the County's portion to make up for the toll reduction would be 5.2% of approximately \$70,000, or \$3,640, taken from the County's share of recordation taxes. The motion to oppose this proposal, conveying this response to Senator Bolling, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

APPOINTMENTS

Dragon Run Steering Committee:

Robert Major and Cathy Wilson would be asked to continue serving on the Dragon Run Steering Committee for terms of two years, 1997 and 1998.

Chairman's Appointments:

The Chairman announced that Board members would continue to serve on their present committees for 1997, with the exception of alternate to the Virginia Peninsulas Public Service Authority, who would now be the assistant administrator, Marcia Jones.

JAMAICA DISTRICT/IMMANUEL PRECINCT POLLING PLACE

Mr. Culley advised the Board that the Building Official was inspecting a possible location for a polling site at the Dragon Run Bed and Breakfast Inn, Church View, to insure compliance with ADA requirements. There would be a report on the status of this site at the next meeting.

REAL ESTATE TAX COLLECTION ORDINANCE

Board members were asked to consider revision of the County's Real Estate Tax Collection Ordinance, to change the first collection date from June 30th to June 5th. The Treasurer, Mrs. Wilson, discussed the already present burden of trying to close the County's fiscal year on June 30th. The motion to advertise a public hearing to receive comments on the matter was made by Mr. Miller and seconded by Mr. Jessie and carried unanimously.

BUDGET SCHEDULE

Mr. Culley presented suggested budget work sessions, public hearing and budget adoption dates. The Board agreed to meet on January 28th, 7:30 PM, in the Board Room for a budget work session and tentatively agreed to meet with the Schol Board on February 18th, at 8:15 PM, at the Planning District Commission, for a budget work session.

TAX RELIEF FOR THE ELDERLY ORDINANCE

The County will advertise amendment of the Tax Relief for the Elderly Ordinance as per the request of the Commissioner at the January 7th meeting. The proposed amendment, if adopted, would not be effective until January 1998.

TAX MAPS FOR HEALTH DEPARTMENT

It was the unanimous consensus of the Board that payment by the Health Department for a new set of County tax maps be made to the Commissioner's Office from surplus funds the Health Department is turning back in to the County.

ST. CLARE WALKER RENOVATION - PERFORMANCE BONDS

The Board was in unanimous agreement that a performance bond will be required of the successful bidder.

CHURCH FEES

Mr. Williams requested the Board waive building and zoning fees associated with new construction on churches, to include those that churches that have recently obtained permits. Mr. Williams' request did not include waiving fees for parsonages or church school buildings. The motion to draft language for an amendment to the fees portion of the building ordinance creating a blanket waiving of fees for specified buildings, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

AUDIT

A discussion of the County's audit is scheduled for the Board's meeting on February 4th.

EXECUTIVE SESSION

The motion to convene in Executive Session to discuss a matter relating to personnel, per Code of Virginia, Section 2.1-344.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 and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

- As a result of the executive session, the motion to appoint the following persons to the County's Industrial Development Authority, effective February 1, 1997 and with the following term lengths, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

Betty Miller	1 year	David B. Adams	3 years
Don Wagner	1 year	Chauncey Mann	3 years
Floyd Jones	2 years	Frank Johnson	4 years
Robert Gary	2 years		

RECESS

There being no further business, the meeting was recessed until the budget work session scheduled for January 28, 1997, 7:30 PM.

Fred S. Crittenden, Chairman
Board of Supervisors