

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 20, 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 -- REZONING APPLICATION R-97-002, RAYMOND STEIN

Planning Director, Tim Wilson presented Application R-97-002, a request to rezoning a 6 acre portion of Tax Map 38-46, fronting on the south side of Highway 3 and 33, Hartfield. The remaining 5 acres of the property, with an existing dwelling, would remain zoned as Village Community. There has been no identified proposed use of the property. According to Mr. Wilson, the proposed request is not considered incompatible with the County's Comprehensive Plan. Any future use of the property would be subject to site plan review. The Planning Commission recommended approval.

Mr. Crittenden opened the public hearing for comments. Raymond Stein, applicant, commented that the real estate agent listing the property for sale, indicated the property would be of greater value in the General Business zone. There is currently no proposed use for the property. There being no further comment, the public hearing was closed.

The motion to approve the application to rezone a 6 acre portion of Tax Map 38-46, with the line to be indicated on a survey included in the file, was made by Mr. Miller, seconded by Mr. Williams, and carried unanimously.

PUBLIC HEARING -- REZONING APPLICATION R-97-003, OSCAR AND JUDY MARSHALL

Mr. Wilson presented Application R-97-003, a request to rezone Tax Map 9-46, consisting of 0.96 acres, and a 2.1 acre portion (of 3.6 acres) of Tax Map 9-47A, from Village Community to Waterfront Commercial. The original application was to rezone parcels 46 and 47A in their entirety, however, the applicant amended his application at the Planning Commission meeting. The applicant desires to conduct boat docking and repair activities at this location, low intensity commercial uses which are not considered incompatible in this location. Mr. Wilson explained that the Waterfront Commercial zoning is more limited in uses than Village Community and development is subject to site plan review.

Mr. Crittenden opened the public hearing for comments. Mr. James H. Ward, Jr., attorney representing the applicant commented that the applicant amended his application to address concerns expressed by the neighbors. The proposal still allows for Marshall's commercial development on the water side (bottom of the hill) of the property. The applicant and attorneys representing the applicant and concerned citizens were satisfied with the marking of the line designating the dividing line between the zoning districts on parcel 47A.

Roger Hopper, representing Donald Morton and other concerned citizens (total 72), agreed that the application now met with their approval, allowing for less intensive use at the top of the hill and commercial at the bottom.

Applicant, Oscar Marshall, noted that he had attempted to work with his neighbors to make this a satisfactory application for all. He added he had not realized there would be opposition to the initial application, but was not opposed to its amendment.

There being no further comment, the public hearing was closed. Mr. Crittenden commented with pleasure regarding the parties work together to present an application that was satisfactory to all. The motion to approve the application to rezone all of Tax Map 9-46 and a 2.1 acre portion of Tax Map 9-47A, as indicated on a plat of survey contained in the file, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

OYSTER FESTIVAL FOUNDATION

Mr. Glen Pond, on behalf of the Foundation, presented the Board with a framed 1996 Oyster Festival print.

COMMUNITY SERVICES BOARD

Representatives of the Middle Peninsula - Northern Neck Community Services Board, Executive Director Gerry Desrosiers, and Director, William Savidge, were present to request action on two (2) items.

The motion to approve renewal of a \$200,000 line of credit was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

The motion to approve the Community Services Board lease for computer equipment was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

TIDEWATER RESOURCE, CONSERVATION AND DEVELOPMENT

Director, Pat Terrell, and member, Jim Clark, were present to request the Board's endorsement to participate in Phase 1, a reconnaissance study, of water resources. The study would be conducted by the Army Corps of Engineers. Phase 1 requires no cost or commitment to continue from the County, however, a letter that the County will consider proceeding to Phase 2 would be required. The motion to proceed with Phase 1 with no commitment to Phase 2 was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

LEASES

In his negotiations with the Community Services Board regarding their lease, Mr. Soberick had been asked by the CSB to increase the rent up to \$5.00 per square foot/year over a three (3) year period. The Health Department also requested consideration of the same. The motion to maintain the rent as previously proposed for the Health Department and Puller Building (Community Services Board) at \$5.00/sq. ft./year plus consumer price index increase for a five (5) year period, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. The Health Department rate would be charged an additional \$0.22 per year for a five (5) year period to cover the cost of an additional air conditioning unit (approved at the May 6, 1997, Board meeting).

ENHANCING DRUG ENFORCEMENT AND PROSECUTION

Sheriff Dandridge was present to request the Board's acceptance of the Enhancing Drug Enforcement and Prosecution grant. This grant was for \$29,525 in Federal Funds through the Department of Criminal Justice and required a \$9,842.00 local cash match. In addition, the Sheriff requested the Board's consideration toward continuing funding of the position with all local funds after next year. The Chairman commented on the lack of information that was provided to the Board relating to activities of this position.

The motion to accept the grant for this position for FY 98 was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. The Board took no action to continue the position after the expiration of the grant in 1998.

SCHOOL MATTERS

Drug Testing

School Board Chairman, Nancy Jackson, informed the Board of a recent policy adopted by the School Board allowing for random drug testing of any student participating in an activity sanctioned by the Virginia High School League.

Drug Search

A recent drug search was completed at Middlesex High School.

Finger Printing and Background Checks

The General Assembly has passed legislation which allows for finger printing and background checks of school employees.

Appropriation -- School Food

The motion to approve a request for appropriation of \$25,000 from School Food Revenues to the School Food Expenditure Fund was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Mr. Willis noted that revenues for this account were expected to increase to cover the expense.

Capital Project Budget Appropriation:

Mr. Willis, Interim Superintendent, requested appropriation of the School Capital Project Budget, totaling \$160,000, to fund the following: cost of two (2) new buses, completion of the Wyker study repairs and other repair needs identified over the past four (4) months, architectural/engineering services for feasibility study, and repair of the flashing problem at St. Clare Walker. Mr. Crittenden noted that while not in the form of a motion, the Board of Supervisors had requested written confirmation from the School Board that these were the projects to be completed with the funds. This was requested due to the upcoming change in administration and to maintain a "paper trail" of actions by both Boards.

Mr. Williams noted that the School Board should be allowed to do the job they were elected to do. The motion to approve appropriation of the School Capital Project budget, totaling \$160,000, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PARKING AREA

Mr. Culley presented a request from Shirley Construction for use of the County's parking area to access the regional jail project and to use adjacent land for a truck turn around area, rather than entering from Route 618. The construction company has proposed to maintain these area and return them to their original condition once construction is completed. No materials would be stored on the County's property. The

motion to approve use of the parking area and adjoining property, as designated on the plan attached with the request, for access and turn around only, and to require a \$10,000 bond of surety to insure return of the property to its original condition, was made by Mr. Jessie, seconded by Mr. Williams and carried by a vote of four (4) to one (1); Weber opposed.

GARBAGE TRUCK BIDS

The Board reviewed the following bids received for surplus refuse disposal vehicles:

COMPANY	1990 MACK	1985 MACK
M. K. Taylor, Jr.	\$24,755.00	\$2,500.00
Cavalier Equipment	\$13,386.00	\$2,526.00
E. L. Keck Equipment	\$10,788.01	\$2,788.01

The motion to award the sale of both trucks to M. K. Taylor, Jr., in consideration for the much higher bid he presented for the 1990 Mack, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

AIRPORT FUELING

Board members reviewed a quote of \$3,500.00 from Jones and Frank to re-pipe the pumping system on the Airport fuel tank to allow off-loading of fuel directly into the tank, rather than routing the fuel through the pump on the tank. Board members recommended contact with the Department of Aviation to see if funding for the work will be approved.

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. Williams, seconded by Mr. Miller and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, 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.

FARMER'S MARKET POLICY

The motion to adopt the following Farmer's Market Policy was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

Middlesex County Farmers Market Use Policy

The Board of Supervisors of Middlesex County hereby regulate the use of the Saluda Farmers Market located on property, owned by the Virginia Department of Transportation, east of Saluda on Route 33, formerly known as the Saluda park and ride site.

Section 1 Rules and Regulations

- A) The Farmers Market shall only be occupied between dawn and dusk.
- B) There shall be no overnight parking of vehicles on the site or under the building. Unattended vehicles will be towed at the owners expense.
- C) The building shall be occupied on a first come basis.
- D) Only one space per vendor and no spaces shall be reserved.
- E) Vendors shall be selling locally grown produce, locally harvested aquaculture products, or locally made crafts; no wholesalers or retailers shall be permitted.
- F) All vendors must have valid Middlesex County vehicle decals displayed on vehicles used at the site.
- G) All vendors shall be responsible for daily cleaning and removal of trash from the space which they have occupied.
- H) All liquid waste to be removed from the site, no one shall pour or otherwise dispose of wastes of any kind on the site or other grounds of the Commonwealth of Virginia. All disposal shall be handled by a properly regulated facility.
- I) No alcoholic beverages shall be consumed, displayed or sold at the site, by any vendor or individual.

Section 2 Enforcement

The Sheriff's Office of Middlesex County shall be charged with enforcement of these regulations as they apply to the Saluda Farmers Market. All applicable provisions of law shall apply.

ADJOURN

There being no further business, the motion to adjourn the meeting until June 3, 1997, at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Fred S. Crittenden, Chairman
Board of Supervisors