

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, OCTOBER 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 p.m. by the Chairman, Mr. Crittenden, and opened with a prayer.

**PUBLIC HEARING -- ZONING ORDINANCE AMENDMENT – AM-97-008, RALPH POLLARD, SR.**

In the absence of the planning director, Mr. Culley presented the above referenced application to add “repair garage” as a permitted use by special exception in the Low Density Rural Zoning District. The Planning Commission had conducted a public hearing on the application and had referred it to the ordinance review committee. Mr. Crittenden opened the public hearing for comments. There being no comments from the public, the public portion of the hearing was closed. There was no discussion by the Board and no action taken, pending action by the Planning Commission.

**PUBLIC HEARING – SP-97-006, KEVIN WADE**

Mr. Culley presented this special exception application requesting approval to place a second dwelling on Tax Map 30-19A, 8.5 acres. A second dwelling had existed previously, but was removed, and the septic permit was still active.

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

**PUBLIC HEARING – SP-97-007, ROBERT LUX**

Mr. Culley presented this special exception application requesting approval to place a second dwelling on Tax Map 8A 1-11, 1+ acres. A second dwelling had existed previously on the property; the septic permit was still active.

Mr. Crittenden opened the public hearing for comments from the public. Property owner, Mary Jo Lux, requested approval and the public portion of the hearing was closed. The motion to approve the application was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING, REZONING APPLICATION - R-97-006, HURLEY LLC, GREY’S POINT**

Mr. Culley presented a request submitted by Hurley LLC to rezone Tax Map 30, portions of parcels 103 and 103B, a total of 110 acres, from Cluster Development to Waterfront Commercial for the purpose of continuing and possible expansion of the existing campground facilities. Proffers regarding proposed uses of the property were submitted to the Planning Commission.

The Chairman opened the hearing for comments from the public. Mr. Billy Millner, speaking on behalf of the applicants, discussed the original proffers and added

that the proffers had been amended adding a 50' buffer to remain in its natural state between this property and that of Mr and Mrs. Nuckols. There being no further comments, the public portion of the hearing was closed. The motion to approve the rezoning request with amended proffers was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

### **OPPOSITION TO FCC PROPOSAL**

The motion to oppose proposed federal communications commission regulations for digital television towers which would pre-empt local zoning policies was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. Letters of opposition will be submitted to the FCC and federal legislators.

### **RAPPAHANNOCK RIVER BASIN STUDY COMMISSION**

Board members reviewed a request for endorsement of a proposal being considered by the Rappahannock River Basin Study Commission to apply for consideration of the Rappahannock River under the American Heritage Rivers Initiative. Under this federal program, technical and financial assistance is available to assist communities in restoring and protecting their river resource in a way that integrates natural resource protection, economic development and the preservation of historic and cultural values. No action was taken by the Board at this time.

### **DELTAVILLE WATER STUDY**

Mr. Culley presented information to be included in a handout to citizens attending the information meeting on the proposed Deltaville water system on October 23<sup>rd</sup>.

### **PAYROLL**

The motion to approve the issuance of payroll checks to all County employees on October 24<sup>th</sup> was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. It was noted that employees of the Department of Social Services and the School Board were already scheduled to receive their checks on this date because their offices were closed on October 31<sup>st</sup> due to the Oyster Festival.

### **HALLOWEEN SCHEDULE**

Due to Oyster Festival activities on October 31<sup>st</sup>, the motion to encourage Halloween trick or treating on Thursday, October 30<sup>th</sup>, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **BOND REFUND**

The motion to appropriate and refund \$5,200 to Mr. R. E. Fisher, II, for a land disturbing surety collected in November 1996, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. This project has been completed and has passed final inspection. Mr. Culley noted that the current policy for bonds was for the Treasurer to collect and refund bonds from a treasurer's account.

### **VIRGINIA DEPARTMENT OF TRANSPORTATION - SIX YEAR PLAN**

Mr. W. W. Woodward, Resident Engineer, VDOT, presented the State's proposed six year plan and budget for the years '98/'99 - 2003/'04, a budget totaling approximately 3.4 million, or \$543,000 per year. The 98-99 budget included \$50,100 for incidental items (rural additions, drain pipes, preliminary engineering studies,

fertilizer and seed and subdivision and site plan reviews.); \$345,000 for paved road improvements; and \$147,000 for unpaved road improvements.

South Landing Road, the County's number one priority as rural addition project, has not had the right-of-way turned over to the County. Approximately \$21,000 can be set aside each year for a maximum of four (4) years for rural addition projects (not to exceed 5% of total local budget). Approximately \$37,000 is remaining in this account from the last project.

Mr. Woodward presented the projects proposed for paved and unpaved road improvements. Paved projects, listed in order of priority include: Route 636, Route 631, Route 630 and Route 637. Unpaved projects, with the number one priority listed first were: Route 648 (first phase), Route 648, (second phase), Route 604. It was noted that Route 686 project was dropped from the plan because donated right of way could not be obtained.

Mr. Crittenden opened the public hearing for comments. Mr. John Crewes, of South Landing Road, noted that while he has been working on right-of-way acquisition for this rural addition, the amount of money available for construction has changed, from over \$100,000 to now \$59,000. Mr. Woodward explained the maximum levels of funding available for rural additions and that there was no way that an amount of over \$100,000 could have accumulated.

Mr. Carl Bowmer, resident of Route 648, and speaking for several residents along this road, presented a petition signed by 48 landowners along Route 648 who were willing to dedicate up to five (5) feet of right-of-way for road improvements. Mr. Bowmer requested the Board consider improving this road based on Code of Virginia, Section 33.1-70.1.B, which allows, with conditions, for paving or improving and paving within a right-of-way less than forty feet in width.

There being no further comment, the public portion of the hearing was closed. Board members obtained clarification of rural addition funding procedures and need for right-of-way acquisition for Route 648. The motion to accept the six year plan and budget as proposed was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously.

### **GATEWAY SIGNS**

Mr. Crittenden, hearing no opposition, noted that he would signing a letter requesting the State's endorsement of the gateway signs proposed by the Anniversary Committee.

### **DISBURSEMENTS**

The motion to approve the disbursement of funds for additional deputies used at the airport during the Wings and Wheels event was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

### **ZONING SIGNS**

Mrs. Weber expressed concern that the signs marking pending zoning action had not been ordered as the Board had requested.

### **EXPENDITURES**

Mrs. Weber requested not only the previous month's jail expenditures, but also those for the previous six (6) months.

## **EXECUTIVE SESSION**

The motion to convene in executive session for consultation with legal counsel, per Code of Virginia, Section 2.1-344.a7, regarding pending litigation (airport and St. Clare Walker Middle School), potential litigation (St. Clare Walker Middle School) and contracts (Old St. Clare Walker School) 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 following motion was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:
  1. reject all bids received for the re-bid of the old St. Clare Walker School renovation project;
  2. the County Administrator is to re-bid the project;
  3. the County reserves the right to negotiate with the lowest responsible bidder. Negotiations will be undertaken by the full board of supervisors if the responsible low bid exceeds the available funds. A decision of the majority of the board of supervisors will be final.

## **COURTHOUSE SEPTIC SYSTEM**

Mrs. Weber questioned the status of the Courthouse Septic System. The low bidder has been notified and the County has sent contract documents to him.

## **ADJOURN**

There being no further business, the Chairman adjourned the meeting until October 7, 1997, at 9:00 A.M..

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Fred S. Crittenden, Chairman  
Board of Supervisors