

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 16, 1998, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator
Tim Wilson, Planning Director
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Crittenden, called the meeting to order at 7:30 p.m. and opened with prayer

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 98-004

Mr. Wilson presented zoning ordinance amendment application 98-004, a request to amend the ordinance to include public and private communications facilities as a permitted use in the Light Industrial Zoning District. The applicant, Millard Younts, has requested approval of the application, which would allow him to relocate his radio transmissions tower from Lancaster to Middlesex County. The Planning Commission and staff have recommended approval of the amendment as a special exception use, rather than a permitted use.

Mr. Crittenden opened hearing for comments from the public. Mr. Younts was present to answer questions from the Board and to request approval of the application. There being no further comments, the public portion of the hearing was closed. The motion to approve the application, as recommended by the Planning Commission, to allow public and private communications facilities on a special exception basis in Light Industrial zones was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING – SITE PLAN APPLICATION 97-10, DELTAVILLE MARINA/ANDERSEN BOAT WORKS

Mr. Wilson presented a request from Paul Andersen for amendment of the existing site plan for Deltaville Marina to permit the construction of a 65' x 30' boat servicing building for Andersen Boatworks. This property, 12.936 acres, is zoned Waterfront Commercial, and is located at the end of State Road 683, Tax Map 41-58.

This property has been the subject of numerous site plan applications and amendments. The most recent site plan application, #SITE 96-21 was denied by the Board on January 21, 1997. The boat service and repair building now being requested was part of the previous site plan application that was denied. The proposed boat service building will be located behind the existing Andersen Boatworks building. The location of the building meets WC District and Chesapeake Bay Preservation Act requirements.

The Planning Commission had no negative votes in their recommendation that this application be approved conditionally. Conditions included repair of an existing fence, replacement of dead/diseased trees and providing positive drainage of a ditch line on the west side of the property.

Mr. Crittenden opened the hearing for comments from the public. George Harris, adjoining property owner, commented that the marina owners have not adhered to the zoning ordinance and plan restrictions for use of the property. Mr. Harris noted that he has requested copies of violation notices in the past and has not received them.

Jim Breeden, counsel for Paul Andersen, commented that the proposed building would put current activity inside a building, allowing employees to work at any time, regardless of weather conditions. Andersen's business currently employs eight people. Mr. Breeden recommended the Board's approval of the application with conditions recommended by the Planning Commission.

John Padgett, employee at the site, requested the Board approval of the application, as did several others who stood in support of Mr. Padgett's comments.

Paul Andersen, addressed the Board and commented on the favorable comments he has received regarding the use.

There being no additional comments the public portion of the hearing was closed. Mr. Williams noted the improvements made to the property in the last year. He also commented that this business has received a best management practices award from the Save the Old Piantatank preservation organization.

Mr. Williams recommended, and Mr. Miller seconded, a motion that approval of the application be granted conditionally upon satisfaction that all previously recommended conditions be met. Mrs. Weber commented that this applicant should not be penalized for previous mistakes by other applicants or the County's enforcement personnel. Mr. Crittenden noted that he had no desire to hold back the promotion of business. Approval of the application for construction of the proposed 30' x 65' building, based on the following conditions, was granted by unanimous vote:

1. The wooden fence located on the east side of the marina property adjoining the Harris property is to be repaired;
2. Dead and diseased trees on the west side of the boat storage area are to be replanted.
3. The ditch line on the west side of the property adjacent to the boat storage area is to be cleaned and graded to provide positive drainage.
4. No building permit for the boat repair building will be granted until the above conditions are completed, inspected and approved by the County.

PLANNING MATTERS:

LDR Setback Requirements:

Discussion continued regarding the applications to rezone several subdivisions from LDR to Residential. No action had been taken on these applications, pending further review of setback requirements for non-conforming lots in LDR zones. The Planning Commission did not agree with the proposal to regulate setbacks on non-conforming lots by percentages, as this would create further non-conformity in the LDR District and also would require applicants to present a survey of their property with any zoning application. The Commission requested the Board to consider re-establishing the previous LDR setback and yard distances for the "grandfathered" non-conforming lots in LDR. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

RESOLUTION

Whereas, the Middlesex County Zoning Ordinance was amended on November 19, 1997 increasing the minimum lot area and setback requirements of the Low Density Rural (LDR) District, and

Whereas, a greater number of lots in the LDR District became legally nonconforming, thereby resulting in the repeated and increased necessity of setback and yard variances to develop said properties, and

Whereas, the Board has determined that the increased variance applications are of a general and recurring nature not due to unique or special conditions of the properties involved, and

Whereas, to promote the public convenience, general welfare and for good zoning practice the Middlesex County Board of Supervisors has determined that such problem is best resolved by amendment to the ordinance,

Now, Therefore, Be It Resolved that the Board of Supervisors does hereby initiate amendment to Article 7, Low Density Rural (LDR) District of the Middlesex County Zoning Ordinance to add the following:

Setback Regulations – Nonconforming Lots.

The minimum setback distance for all structures located on a legal nonconforming lot of record shall be eighty (80) feet from Virginia primary and U. S. Highway road right-of-ways; sixty (60) feet from Virginia secondary road right-of-ways; and thirty-five (35) feet from interior subdivision and private street right-of-ways.

Corner Lot Setback Regulation – Nonconforming Lots.

On legal nonconforming lots of record, the minimum side yard setback distance on the side facing the street on a corner lot shall be thirty-five

(35) feet from the street right-of-way for all structures.

Yard Regulations – Nonconforming Lots.

On legal nonconforming lots of record, principal and accessory buildings shall be located no closer than ten (10) feet to any side or rear boundary line of the property on which it is located.

Be It Further Resolved that this amendment be forwarded to the Middlesex County Planning Commission for public hearing and recommendation and that public hearing on this amendment be scheduled for public hearing by the Middlesex County Board of Supervisors on July 21, 1998, pursuant to Sections 15.2-2204 and 15.2-2286.7 of the Code of Virginia, 1950, as amended.

Rezoning Applications R-98-002 & R-98-003:

The motion to approve the applications to rezone the following subdivisions from LDR to Residential, was made by Mr. Jessie, seconded by Mrs. Weber and carried by a vote of 3-2 (Williams and Crittenden opposed):

SUBDIVISION	TAX MAP
Bush Park	39C, Section 1
Bay Country Estates	39C, Section 2
Howard Kruse	39C, Section 3
Bel-Aire Estates	39, Section 14
Chick Cove	39D
North Shore	28, Section 15
Windward Watch	28, Section 17
Healy's Mill	36, Section 6 & 7; 37, Section 14
Cedar Pointe	19, Sections 16 & 19
Kilmer Point	19C, Sections 2, 4, & 5
Remlik Hall	19C, Sections 1 & 3
Nesting Beach	9B, Sections 2 & 4
Nesting Farm	9B, Section 1
Sand Beach	9B, Section 3
Beverly Beach	30F, Section 1
The Landing	37, Section 15

REZONING APPLICATION R-98-001, JUNIOR SMITH

Discussion was brought forward regarding Rezoning Application R-98-001, Junior Smith, tabled from the April 21st meeting. Mrs. Weber noted her opposition to the rezoning and made motion to deny the application. The motion was seconded by Mr. Miller. Mr. Jessie noted his opinion, that correction of initially zoning this area as Low Density Rural needed to be made, because of the commercial use of the property. In the vote that followed, the motion to deny the application carried by vote of 3-2 (Jessie, Williams opposed).

SCHOOL MATTERS

Fueling Site:

Mr. Lackey brought forth an estimate of \$5,000 for installation of an above ground fuel tank behind the Cooks Corner Office Complex, in the vicinity of the new bus parking area. Mr. Lackey was asked to flag the area prior to the next meeting.

Trigon Stock:

The motion to appropriate \$21,436.28, the revenue generated from the sale of the Trigon Stock, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Mr. Lackey informed the Board that the School Board has opted to use this revenue to help cover the full amount of the employee portion of health insurance for the next year. The School Board plans to continue paying the employer share without receiving any benefit of the stock proceeds. Mr. Culley pointed out that the School Board will be continuing to fund the employer and regular employee share from next year's budget. This is different from the proposal the Board of Supervisors has approved for their employees.

Capital Improvements:

Mr. Lackey advised the Board that he is continuing to work with a group working on the school capital improvement plan. Several items being looked at include repairs/replacement of the sewer system at Wilton and separating the parent and bus pick-up areas at both Rappahannock Central and Wilton.

EMERGENCY SERVICES COMMITTEE

Mr. Culley recommended the establishment of an emergency services committee that would work in the development of the enhanced 911 system, to include radio equipment and dispatching. There being no opposition, the chairman appointed the committee as recommended: one voting member from each of the fire and rescue departments, Sheriff Dandridge, Lee Weber, Tim Wilson, David Harmon, Betty Callis and Mr. Culley.

APPROPRIATION REQUESTS

Social Services:

The motion to approve the appropriation of \$12,000 from State revenue received for Child Care Quality Initiative was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

Treasurer:

The motion to approve the appropriation of \$3,000 in additional funds for postage in the Treasurer's office was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements dated June 16, 1998, numbered 29645 - 29769 and totaling \$47,659.94, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. It was noted that additional disbursements would be brought to the Board in July for services purchased prior to the end of the year on June 30.

WAKE BEACH

According to a letter received from Mr. Woodward, Resident Engineer, VDOT, the Department of Transportation owns the parking area used for the beach, however, he has found no evidence which would enable VDOT or specifically his department, to regulate beaches. Several options were presented, including closing the parking area and beach, or County application to VDOT for operation of a public beach at this location.

Marilyn South and Mike Eunice, adjoining residents of the Wake Beach area, both commented that the police patrols and signs have improved the trespassing and "after hours" activity. Citizens were encouraged to contact Mr. Ward, Commonwealth's Attorney if patrol activity was not enough.

The motion to pursue the application process between the County and VDOT and to work on regulations for a public beach area was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DELTAVILLE WATER SYSTEM

In preparation for a meeting at the Deltaville Civic Association Thursday evening, Mr. Culley presented a map of the Deltaville area which graphically portrayed the results of the water system survey.

REASSESSMENT

Mr. Culley presented the results of the committee interviews with representatives of the firms submitting proposals to perform the County's general reassessment. Two (2) firms submitted proposals: Blue Ridge Appraisal \$126,000 (\$10.50/parcel) and Tri-County Appraisal \$96,000 (\$8.00/parcel). The Committee recommended that the County hire Blue Ridge Appraisal. Blue Ridge proposes to perform all the clerical work associated with the reassessment which saves the County \$30-\$40,000 for this position and associated work. In addition, Tri-County has never performed a general reassessment. This considered, the motion to hire the Blue Ridge Appraisal firm was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

ACCOUNTING FIRMS

Mr. Miller presented the results of the committee review and interview of accounting firms submitting proposals to perform the county's audit and cost allocation plan. The following priority was given to firms to perform the audit: 1st – Robinson, Farmer, Cox Assoc.(would need their assistance with retirement of Treasurer and deputy); 2nd – Timothy Whitlock (1st governmental audit); 3rd – Cherry, Baerkert, Holland. It was recommended that the County continue using the services of Maguire and Associates for the cost allocation plan. The motion to request a quote for services from Robinson, Farmer, Cox, Associates was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

LOCAL BURNING ORDINANCE

Mr. Miller indicated he had received additional information on local burning regulations that he would compile and distribute to Board members.

MILL CREEK DOCK

The County Administrator's Office has received a price of \$1600 to add an additional 16 feet of ramp to the landward end of the County dock at Mill Creek. This would extend the ramp 4-5 feet landward of a gap created when the edge of the roadbed eroded away in spring storms. No action was taken on this proposal; The Department of Game and Inland Fisheries will be contacted for correction of the erosion problem prior to repair of the dock.

REFINANCING INDEBTEDNESS TO VRS

Bids were received for the purchase of a \$349,373 general obligation note to refinance the County's indebtedness to the Virginia Retirement System for early school retirement. Bids were based on specifications prepared by Robinson, Farmer, Cox Associates (accountants) and McGuire, Woods, Battle & Boothe (bond counsel). Three (3) banks submitted bids, Crestar, NationsBank and Peninsula Trust.

The recommendation from the accountants was to accept the bid of Crestar Bank at a 6.86% taxable interest rate; 4.91% tax-exempt interest rate. These rates would yield savings of \$180,750 on a taxable basis or \$271,031 on a tax-exempt basis. The motion to accept the proposal of Crestar was made by Mr. Williams, seconded by Mr. Miller. Mr. Williams withdrew his motion and Mr. Miller his second. The motion to accept the proposal of Crestar was made by Mr. Miller, seconded by Mr. Jessie and carried by vote of 4-0-1 (Williams abstained because he owns stock in the company).

NORRIS BRIDGE

Board members questioned the public use of the beach area by the Norris Bridge; VDOT has placed a "No Public Beach" sign in this area. VDOT would be contacted regarding this sign.

OTHER BUSINESS

Industrial Development Report:

Board members requested a report from the Industrial Development Authority. Mr. Culley advised that a joint meeting was being planned.

ADJOURN

There being no further business, the meeting recessed until July 7, 1998.

Fred S. Crittenden, Chairman
Board of Supervisors