

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JUNE 2, 1998, 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**

Mr. Crittenden called the meeting to order at 9:00 A.M., and opened with a prayer.

**HIGHWAY MATTERS**

***Complaint – Wake Beach***

James H. Ward, Jr., Commonwealth's Attorney, briefly described complaints received concerning "Wake Beach", the State's public landing area at the end of Route 627, Tax Map 38-181. The complaints, originating from Mrs. Marilyn South, an adjoining property owner, included vehicles being driven on the beach, trespassing onto marked private property, use of alcohol, profanity, and urination in public. According to Mrs. South, the incidents she described occurred mostly after school hours and on weekends in particular.

According to W. W. Woodward, Resident Engineer, VA Department of Transportation, there are signs posted which mark the end of the public property in addition to concrete barriers, however, there is no policy concerning the use of this beach area. Mr. Woodward indicated he was willing to add additional barriers and more signs if necessary.

Sheriff Dandridge described the recent incident involving several non-resident persons and an out-of-County vehicle that was on the beach. It was requested that Sheriff Dandridge increase patrols of the beach area, particularly during the evening and weekend hours. Mr. Ward requested information from Mr. Woodward regarding policies for use of public beach areas in other localities and enabling legislation that allows for the regulations and punishments for violation.

In addition, Mr. Crittenden requested information on the procedures for closing the site as a public facility. It was requested that the requested information be prepared for the Board's June 16<sup>th</sup> meeting.

***Jackson Creek Dock***

The motion to request that the Jackson Creek Dock, currently owned by the State, be released to become the property of the County to allow for overnight mooring of boats, was made Mr. Williams, seconded by Mr. Jessie and carried unanimously. Mr. Woodward noted that he would forward the Board's request; Mr. Woodward also noted that a public hearing would be necessary before the property could be released.

**RESOLUTION  
JACKSON CREEK DOCK**

**WHEREAS**, the Commonwealth of Virginia owns and maintains a public use dock at the end of State Route 1101 on Jackson Creek; and,

**WHEREAS**, this dock serves as an unloading station for watermen; and,

**WHEREAS**, the Middlesex County Board of Supervisors has received requests from watermen desiring to use the facility for overnight mooring;

**WHEREAS**, the Middlesex County Board of Supervisors is prepared to maintain the dock and insure public access to the facility;

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of Middlesex County does hereby request the Virginia Department of Transportation transfer the subject property to the County of Middlesex.

### **MINUTES**

The minutes of the May 5<sup>th</sup> and May 19<sup>th</sup> meetings of the Board were reviewed and a motion for their approval was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **DISBURSEMENTS**

The motion to approve disbursements as corrected for May, dated June 2, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 29516 through 29643 totaling \$214,566.15 were disbursed as approved.

### **PAYROLL**

The motion to approve payroll for the month of May was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 29425 through 29513 totaling \$110,917.19 were disbursed as approved.

### **COMMITTEE REPORTS**

Mr. Williams

- Planning District Commission – Several applications for financing alternative septic tank installations were considered. Mr. Williams noted that he and other representatives for Middlesex County expressed their opposition to the PDC being in the lending business. The PDC has forwarded the name of Mr. Jeff Bleimel's to the Governor's Office for consideration as a representative on the Chesapeake Bay Local Assistance Board.

Mrs. Weber:

- Anniversary Committee – wind-up meeting scheduled for June 24<sup>th</sup>.
- Social Services Department – requested that a copy of the State's budget for Social Services be forwarded to the County Administrator. The Department currently has 16 foster children in its care.
- Red Cross – David Harmon, Superintendent of the Regional Security Center, has been appointed to serve on the Red Cross as its Disaster Chairman.
- Museum – Marcia Jones is in charge of landscaping and maintenance at the buildings; Doug Gray is helping with fund raising.

Mr. Jessie:

- Jail Authority – Jail construction is 80% complete with only \$28,000 issued in change orders

Mr. Miller:

- VACo – attended Agriculture and environmental issues committee meeting.

Mr. Crittenden:

- Airport Committee – there was no meeting in May of the Airport Committee. Mr. Crittenden requested that a reminder be sent to the Committee regarding recommendations for appointments.

### **CONSTITUTIONAL OFFICERS**

Commissioner of Revenue:

- Tax Relief for Elderly – Mr. Lewis requested advertisement of the public hearing to consider revision of the ordinance with regard to income.
- Additional State Money Received – Mr. Lewis requested that the State funding received for purchase of a computer be appropriated to his department.

### **FRIENDS OF THE RAPPAHANNOCK**

Ed Sharpe and Marcia Keener, representing the Friends of the Rappahannock organization, and Estee Thomas of the Chesapeake Bay Foundation, made presentations to the Board regarding the benefits of low impact development in watershed areas.

### **TOWN OF URBANNA**

#### ***Mutual Aid Agreement:***

Mr. Robert Brooks, attorney for the Town, and Mr. Terry Daniel, Town Administrator, were present to discuss the purpose of the proposed mutual aid agreement. As Chief of Police for the Town, the Sheriff hires additional deputies to assist during events such as the Oyster Festival. These deputies are under contract with the Town and are covered by insurances obtained by the Town. Because they are Town employees, these deputies would not be allowed to patrol or police activities outside of the Town limits during non-emergency situations. Therefore, a mutual aid agreement has been drafted which would allow for continuity of law enforcement between the Town and County.

After much discussion, the motion to approve the agreement was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

#### ***Police Services Agreement:***

Board members reviewed the proposed agreement with Mr. Brooks and Mr. Daniel, representatives of the Town. The motion to approve the agreement, with the addition of “with Town funds” added under Section G, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **SCHOOL MATTERS**

- Drug Task Force – The Task Force is coordinating efforts with the Chamber of Commerce.
- St. Clare Walker – The School Board is pursuing efforts to have a signal light installed at the Route 33 and 620 intersection, for use during peak bus traffic time.
- Trigon Stock – Mr. Lackey explained the employee benefit proposed by the School Board.

- Spring Fling – An invitation was extended to the Board to extend the staff's spring fling on June 4<sup>th</sup> at the Hartfield Volunteer Fire Department Pavilion.
- Land Purchase – A correction to the price paid for the purchase of land behind the High School has been printed in the newspaper.
- Fuel Facility – Mr. Lackey was asked to mark the area he is requesting to use for a fueling facility at the old St. Clare Walker School. Mr. Lackey estimated that installation of a rented, single walled tank, on a concrete slab with containment pad would cost approximately \$5,000
- Assistant Superintendent – Currently interviewing for this position.
- Capital Improvement Plan – Mr. Crittenden urged Mr. Lackey to present information concerning capital improvements to the Board as soon as possible. Mr. Lackey noted that he would also be presenting funding information and options to the Board.

## **HEALTH DEPARTMENT**

### ***Statement of Agreement for Services***

The motion to approve the Agreement for Services for 1998-99 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

### ***Roof Replacement:***

Mr. Culley noted that the roof at the Health Department did have plywood sheathing underneath the existing shakes. The low bidder, Pyramid Roofing, has visited with Health Department personnel, who have indicated that there have been no leaks in the ceiling from roof damage, only around the eaves.

The motion to award the contract to Pyramid Roofing, at a cost of \$8,900.00, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

## **APPROPRIATION REQUEST**

The motion to approve the appropriation of \$4,902.00, from revenue received from the Department of Health, to the County's rescue squads, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

## **UNDERGROUND STORAGE TANK REMOVAL**

### ***Additional Expense – Contract for Removal:***

The motion to approve the request for payment of \$7,448.00, for additional labor and materials in conjunction with removal of the underground storage tanks was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

### ***Contract with Independent Environmental Consultants, LLC.:***

The motion to enter an agreement with Independent Environmental Consultants, LLC, for an amount not to exceed \$15,500, for additional engineering services relating to the mitigation involved at contaminated underground fuel storage sites was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

## **REASSESSMENT COMMITTEE**

Mr. Crittenden appointed a committee of Mr. Culley, Mr. Lewis, Mr. Williams and Mrs. Weber, to review the proposals submitted by Blue Ridge Appraisal Company and Tri-County Appraisal, to perform the County's next general reassessment.

### **AUDITING REVIEW COMMITTEE**

Mr. Crittenden appointed a committee of Mr. Culley, Mrs. Jones, Mr. Jessie, Mr. Miller and Mrs. Wilson, to review the proposals received for performing the County's audit and cost allocation plan.

### **MILEAGE REIMBURSEMENT**

The motion to increase the amount for mileage reimbursement when personal vehicles are used from \$0.24 to the same as the State's, \$0.28, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **LOCAL BURING ORDINANCE**

Mr. Miller requested the Board's consideration of adopting a local ordinance to restrict open burning within 100 feet of a residence. After discussing the issue with David Milby, Department of Forestry, no action was taken. Mr. Milby indicated that he referred all concerns with "nuisance" burning to the State's Pollution Control Board.

### **TRIGON STOCK**

The motion to approve the use of revenue derived from the sale of Trigon stock to pay the employee and employer share of health insurance for those employees currently on the plan was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. The revenue, approximately \$51,202.25, would be enough to pay approximately four (4) months of the premium.

### **APPOINTMENTS**

***Board of Zoning Appeals*** – The motion to recommend Mrs. Carolyn Moss be appointed to fill the seat of her deceased husband on the BZA was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

***Airport Committee and Regional Airport Task Force*** – No action was taken regarding these appointments. A request would be made for recommendations from the Committee.

***Social Services*** – The motion to reappoint John Fackler to a four-year term on the Board of Directors of the Social Services Board, representing the Saluda District, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

***Wetlands Board*** – The motion to reappoint Sherman Holmes to another five-year term representing the Saluda District was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

***Planning District Commission*** – The motion to reappoint Curtis Jones to his second one-year term on the PDC was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

***Planning Commission*** – The motion to reappoint Alvin Wake and Joann Hensley and to appoint Russell Sibley to replace Jerry McMurtrie, all to four-year terms on the Planning Commission representing the Pinetop District, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **NEW BUSINESS**

The Board discussed initiating an ordinance amendment to add special exception criteria for emergency replacement of a manufactured home in a residential

zone. The motion to approve the following resolution was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

### **RESOLUTION**

**Whereas**, the Middlesex County Zoning Ordinance does not permit the placement of manufactured housing in the Residential (R) District, and

**Whereas**, in the Residential (R) District there are existing legally nonconforming mobile and manufactured homes which become deteriorated, damaged, or destroyed and require replacement, and

**Whereas**, the replacement of an existing manufactured or single-family dwelling with a manufactured home is currently permitted by special exception in the Village Community (VC) District, and

**Whereas**, to promote the public convenience, general welfare and for good zoning practice the Middlesex County Board of Supervisors desires to amend the regulations of the Residential (R) District to provide for similar replacement,

**Now, Therefore, Be It Resolved** that the Board of Supervisors does hereby initiate amendment to Article 9-3, Special Exceptions, Residential (R) District of the Middlesex County Zoning Ordinance to add the following:

*The replacement of an existing manufactured home or single-family dwelling with a manufactured home in accordance with the conditions listed in Section 18-5-10 of the Ordinance.*

**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 (date) pursuant to Sections 15.2-2204 and 15.2-2286.7 of the Code of Virginia, 1950, as amended.

### **TRASH AND JUNK CAR UPDATES**

The Board requested that they receive updates on the violations of the trash and junk car ordinances.

### **EXECUTIVE SESSION**

The motion to convene in Executive Session for consultation with legal counsel, per Code of Virginia, Section 2.1-344.a7, to discuss trees at the airport, and 2.1-344.a1, to discuss personnel issues 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. Miller 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.

### **ADJOURN**

There being no further business, the meeting was adjourned until June 16, 1998, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors