

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, SEPTEMBER 15, 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 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 – REZONING APPLICATION R-98-004, BRYAN ROBINSON, APPLICANT

Mr. Crittenden informed the public and other Board members that the Planning Department had received a request that this application be withdrawn. Mr. Crittenden informed the public that Section 15.2-2285.b, Code of Virginia, prevents any further actions on an application once it is withdrawn. No public comment would be taken that pertained to this particular application.

PUBLIC HEARING – REZONING APPLICATION R-98-005, THOMAS GILBERT, APPLICANT

Mr. Wilson presented application R-98-005, a request to rezone Tax Map 39-98, 48.24 acres from Low Density Rural (LDR) to Residential (R) District. The applicant proposes a 39 lot expansion of the adjoining Bel-Aire Estates Subdivision. Rezoning of this property was originally considered in the Planning Commission's Rezoning Application 98-002, but was withdrawn for consideration prior to action by the Board of Supervisors. The Comprehensive Plan Future Land Use Map designates this area as being outside any planned development area. At their meeting on September 8, 1998, the Planning Commission continued consideration and action on the application to their October 13th meeting date. Since no recommendation has been forwarded by the Commission at this time, the Board has the following two options: conducting the public hearing as advertised, but awaiting the Commission's recommendation in October before taking final action; or continuing the public hearing until the Board's October 20th meeting date. In this event, readvertisement and public notice of the changed hearing date would be required.

As there were citizens in attendance to present public comment, the Chairman announced that the public hearing would be conducted, however, no action would be taken.

Gene Blake of Woods Creek Road opposed the application, noting that further development of the area would allow more pollution to enter the small creek adjoining the property.

Linda Crittenden expressed opposition, wanting any further development to meet low density rural criteria of large lots.

Jean Blake voiced agreement with her husband, Gene Blake, and Mrs. Crittenden.

There being no further comment, the public portion of the hearing was closed. Mr. Crittenden noted that a Board decision would not be made until after a

recommendation was received from the Planning Commission and that the Board had one (1) year to make a decision.

COMMENT PERIOD

Mr. Crittenden opened the floor for general comments from the public. Mrs. Weber questioned the need for documentation of historical resources by developers and suggested that this be an ordinance requirement. Mr. Wilson noted that the Board or Planning Commission could request this information from any developer. After some discussion it was decided that this topic would be referred to the Planning Commission for their recommendation.

Jerry Cooke questioned if there were current requirements for environmental impact studies prior to development. According to Mr. Wilson, studies are not required, however, only limited development is allowed on properties with Chesapeake Bay Preservation Act features and water quality impact assessments could be required along with management practices to mitigate impacts.

SITE PLAN APPLICATION – 98-009, DELAWARE CORPORATION

Action on this application had been continued from the Board's July 21st meeting for a period of 60 days. According to Mr. Wilson, the FAA, in a letter dated August 28, 1998, has stated that a new study of the project has been initiated, but would not be completed until the end of September. Mrs. Weber noted that she had had a conversation with Bill Merritt, FAA, who had no additional information at this time. It was the consensus of the Board that this item would be placed on the Board's October 6th agenda if further information were received from the FAA, otherwise, it would be scheduled for the October 20th meeting.

PLANNING MATTERS

Mr. Wilson presented a revised resolution outlining the Board initiation of zoning ordinance amendments amending the permitted uses and lot size requirements in a Resource Husbandry District. The following resolution proposes to make lot sizes the same as those in the Low Density Rural Zone.

RESOLUTION

Whereas, the Resource Husbandry (RH) District of the Middlesex County Zoning Ordinance is an agricultural use district that permits single-family dwellings but does not currently permit manufactured housing, and

Whereas, to comply with Section 15.2-2290 of the Code of Virginia and for good zoning practice, the Middlesex County Board of Supervisor desires to permit manufactured homes in the RH District by the same development standards as site-built homes in the RH District, and

Whereas, for good zoning practice and for compatibility in agricultural use districts established under the ordinance, the Board also desires that the minimum lot area, width and frontage requirements of the RH District be changed to coincide with the recently amended requirements of the LDR District,

Now, Therefore, Be It Resolved that the Board of Supervisors does hereby initiate amendment to Article 6-3 to list "Manufactured homes" as a permitted use in the RH District and to amend Article 6-6, Minimum Lot Size, RH District to establish the same minimum lot area, width and frontage requirements as provided for in the LDR District.

Be It Further Resolved that this amendment be forwarded to the Middlesex County Planning Commission for public hearing and recommendation and that public

hearing by the Board of Supervisors on this amendment be scheduled for October 20, 1998, pursuant to Sections 15.2-2204 and 15.2-2286(A)7 of the Code of Virginia, as amended.

SCHOOL MATTERS

Appropriation Request:

Mr. Lackey, Superintendent, requested the Board appropriate \$18,400 to their account 023-060010-6102. Mr. Lackey desires to increase a part time registered nurse position to full time. Mr. Lackey noted that there has been an increase in the number of students that have special medical needs, including personal hygiene, diabetes, catheterization, medication distribution.

Mr. Crittenden suggested that since teachers had been hired at salaries less than budgeted, the school board could match 50% of the request. Mr. Crittenden recommended that the appropriation be granted for \$9,200. The motion to appropriate \$9,200 was made by Mr. Williams, seconded by Mr. Miller. Mrs. Weber commented she favored funding the full request and she believed Mr. Lackey would return the funds at the end of the year if they were not necessary. The vote on the motion carried by vote of 4 for (Crittenden, Williams, Miller, Jessie) to 1 opposed (Weber).

Assistant Superintendent:

Mr. Lackey introduced Mr. Mike Myers, the new assistant superintendent for the school system.

EMPLOYEE HEALTH INSURANCE

John Thomas of Thomas and Assoc., was present to address questions regarding the proposal for renewal of the employee health insurance with American Medical Securities. Mr. Thomas explained several federal laws that have been enacted regarding pre-existing conditions and mental health as well as claims, history and the large increases in drug costs. These have attributed to an estimated 14% increase in individual costs. Notification had been received from a number of employees indicating their desire to remain with the current plan. The motion to remain with the current provider, American Medical Securities, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

Employee Benefit:

Peggy Walton, Circuit Court Clerk, requested the Board consider increasing the amount of the employer contribution to group health insurance. Mrs. Walton noted that in the case of her employees, their annual salary increase is not enough to cover the increase in the health insurance premium. Mr. Culley indicated that the savings in the budget because of the "premium holiday" funded with the proceeds from the sale of Trigon stock should be enough to fund an increase in the employer contribution toward health insurance premium. Mr. Crittenden expressed his concern with the amount that may be required to fully fund the individual premiums next year. This issue would be discussed further at the October 6th meeting.

LANDFILL MONITORING WELLS

Board members reviewed with Mr. Culley information received from Resource International, Ltd., regarding requirements the Department of Environmental Quality (DEQ) has placed on the County's closed landfill. The County currently has one (1) upgradient well and three (3) downgradient wells, however, the wells are not in locations which conform to current DEQ policy of downgradient wells being placed no greater than 500 feet apart. Three additional wells, installed to current policy, would cost \$7,605, with an additional charge of \$4,500 per year for semi-annual monitoring.

Additional costs between \$5,000 and \$15,000 could apply if DEQ requires a permit amendment.

In addition, DEQ has notified the County that the upgradient well must be replaced unless the County can demonstrate that the mechanical shop or the underground storage tank at that facility may have impacted the well. A cost of \$6,070 has been provided by Resource for the County to proceed with the demonstration process. If the County elects not to undertake the demonstration, then the landfill must advance to assessment monitoring, at a cost range anticipated between \$13,000 and \$35,000.

Board members discussed options available and suggested combining forces with the Virginia Peninsulas Public Service Authority to work towards more cost-effective solutions. It was suggested that Mr. Culley and Mr. Williams contact Senator Bolling and Delegate Morgan to discuss possible solutions.

APPOINTMENTS

Airport Committee:

Mrs. Weber requested that action on appointments to the Airport Committee be deferred to the October 6th meeting. There was no action taken on appointments.

Juvenile Detention Commission:

The motion to appoint Mr. Culley as the County's representative to the Juvenile Detention Commission was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 30377 - 30379, totaling \$22,997.50 would be distributed as approved.

BUSH PARK CREEK AND MEACHIM CREEK

Mr. Culley presented copies of correspondence received from the Army Corps of Engineers which indicated their recommendation to deny Federal interest in navigation improvements to Bush Park Creek and Meachim Creek at this time due to conclusions that there is not enough commercial usage of either creek. Mr. Williams indicated he would discuss the issue with Congressman Bateman.

FUEL TANKS

Mr. Culley was requested to obtain further information regarding the School's installation of permanent fuel tanks behind the Cooks Corner Office Complex. Board members indicated the desire for the temporary tanks to be removed.

ADJOURN

There being no further business, the meeting recessed until October 6, 1998.

Fred S. Crittenden, Chairman
Board of Supervisors