

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 19, 2000, IN THE COURT ROOM OF THE
MIDDLESEX COUNTY COURTHOUSE, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Fred S. Crittenden, Pinetop District (arrived late)
Kenneth W. Williams, Pinetop 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 Chairman, Mr. Miller, called the meeting to order at 6:30 P.M., and opened with a prayer.

MEETING WITH LEGISLATORS

Delegate Harvey Morgan and Senator Bill Bolling were present to discuss upcoming legislative issues.

Senator Bolling explained that this would be a very tight financial year. While not a budget year, the budget called for 5.5% of revenue growth, when realistically it is about 3.2%. There will probably not be a lot of new money to go around. According to Delegate Morgan, this year the Governor could take another portion of the tobacco settlement money to help with the car tax. There would be significant objections about this from people interested in health care. Bolling noted that one of his concerns has been that in the past when revenues have been good, it has been used for recurring expenses rather than one-time expenses.

Regarding the Chesapeake Bay Local Assistance Department proposed regulations, Delegate Morgan encouraged the Board to stay active in its concern and he noted that the Department is under no self-imposed deadline to adopt any changes.

The Board expressed their concern with continuing mandates for providing services to dysfunctional children at unbounded rates of the private sector provider. Senator Bolling noted that some day the State will have to look at not funding some services, adding that Comprehensive Services is a great program, but has cost much more than was ever expected. As long as the number of dysfunctional families increases, the number of mandated kids increases.

Neither Bolling and Morgan saw a problem with lottery money being withdrawn from use by schools, and added that there are some indications of an increase in funding.

Mr. Crittenden requested that the Legislators keep the County better informed of bills that could have an impact on the County. Regarding the animal control bill, Delegate Morgan commented that the Virginia Municipal League and the Virginia Association of Counties were very involved from its inception and the County should have received much information, including copies of studies that were done. Senator Bolling added that the legislators rely on the Board and other constituents to let them know what is happening and asked the Board's assistance in letting them know what their concerns were.

PUBLIC HEARING PROCEDURES

Chairman Miller outlined the procedures to be followed by the public for the public hearings. Due to the large number of persons desiring to speak, the chairman noted that each applicant would be allowed 10 minutes to speak, a representative of an association or group of people would be allowed 7 minutes and individuals would be allowed 3 minutes. Each speaker was told to speak from the podium, addressing his or her comments to the Board.

PUBLIC HEARING – MAJOR SITE PLAN APPLICATION #SITE-2000-18 and SPECIAL EXCEPTION PERMIT APPLICATION #SP-2000-12, VIRGINIA MOTOR SPEEDWAY, INC.

Planning Director, Tim Wilson, briefly outlined the proposal submitted by the applicant along with staff and Planning Commission recommendations. The applications propose the following additions and improvements as outlined in the Staff Report included in the file and Board of Supervisors packet:

- The replacement of existing grandstand seating (capacity approximately 3,500 with new grandstand seating to include an initial 4,000 seats followed by an additional 3,000 seats (Phase 2) and an additional 3,000 seats (Phase 3) for a total for 10,000 proposed seats.
- The construction of a proposed replacement press box and control building measuring 30' x 125'.
- The construction of replacement bathroom facilities.
- The new construction of a proposed 50' x 110' office and maintenance building.
- The new construction of a proposed 20' x 40' technical building.
- The construction of two (2) new entrance facilities located on Highway 17.
- The construction of proposed grass (fairground style) parking areas with area sufficient for the parking of 1,775 vehicles.

Included in the plan for informational purposes, is the location of a proposed 8.2-acre campground area. This use would be considered under a separate and specific application detailing actual campground development.

The Planning Commission recommended the approval of Special Exception Permit #2000-12 and Major Site Plan Application #2000-18, with the following conditions:

- The receipt of copies of all applicable Health Department approvals prior to the issuance of County Building Permits.
- The receipt of copies of all applicable VDOT approvals prior to the issuance of County Building Permits.
- The filing of a parking/traffic control plan a security/crowd control plan, and an emergency medical service plan to be reviewed and approved by the Middlesex County Emergency Services Committee and forwarded to the Middlesex County Board of Supervisors for concurring approval. These plans shall be subject to periodic review and revision as determined necessary by the Board of Supervisors.

Mr. Miller opened the public hearing for comments. Robbie Nelson, representing the applicants, noted his presence in the event of any questions from the Board.

Sheriff Guy Abbott noted that the owners have been cooperative with improvements at the current site. Sheriff Abbott noted that noise has not increased and the owners have made donations to local fire, rescue and police departments for services. In addition the owners have paid for additional security forces to create a more family atmosphere.

Bill Thrift, Chief of the Middlesex Volunteer Fire Department, noted his support for the proposed improvements, adding that it was time to capitalize on the Route 17 corridor for business.

There being no further comments from the public, the public portion of the hearing was closed. Mr. Miller expressed his strong support for the current operation, adding that it provided good family entertainment. Mr. Crittenden added his support of the Sawyers in running a first class business.

The motion to approve the applications as conditioned by the Planning Commission was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION PERMIT APPLICATION, #2000-11, MACEY WHITE, JR.

Mr. Wilson presented the application submitted by Macey White, Jr., requesting proposed the establishment of outdoor shooting facilities including a shotgun range for clay target shooting and a separate pistol and rifle target range to be established at Tax Map Parcel #43-33, 120 acres, zoned Low Density Rural. The Staff Report summarized a detailed narrative submitted by the applicant, which explained the design and operation of the proposed facilities. The Staff Report also included the Staff analysis of the application, which noted that while the staff maintained that the facilities, as proposed, could be operated safely and without detriment to the natural environment, the proposed use does not satisfy the permitting criteria of Zoning Ordinance Section 7-4-6 in that the noise generated by the proposed use would constitute a nuisance to adjoining properties.

The Planning Commission concurred with the Staff's recommendation for denial of the application based on findings that the permitting of the proposed outdoor shooting facility at the requested location would be incompatible with the existing Residential Zoning Districts in the immediate vicinity, potentially disruptive to the residential development located therein, and contrary to good zoning practice.

Mr. Miller opened the hearing for comments from the public. Macey White, Jr., questioned Mr. Wilson's comments in the staff report that the noise abatement plan is inadequate. Mr. Wilson noted that because there would be "noise" generated, it would not allow for the "quiet" enjoyment of adjoining residential properties. Mr. White noted that it was his desire to operate in harmony with his neighbors, however, if the application were not approved for this site, he would consider re-locating the range to other property. Mr. White added that he has hired a safety consultant, whose preliminary review of the proposal indicated that the berm was adequate, but suggested adding additional signage. Noise should be no more than the noise from turkey shoots held at the Hartfield Fire House.

The following people spoke regarding this proposal:

- Ron Edwards - President, Coves of Wilton Creek - wrong thing for this area; nuisance in a residential area.
- Ray Ogden - questioned the hunt club definition and ability to continue to operate a hunt club at this location.
- Ray Pollard - commented there was a difference between noise and sound
- Raymond Dasanovich - this use had the potential to drive property owners from adjoining residential areas away.
- Janet Hoffman - opposed use.
- Sam Ogden - Resident of Coves of Wilton Creek - supported White's activity.
- Robert Jackson - 4-H firearms instructor; favored application; make applicant do it right, following NRA guidelines.
- Chester Koffman - sound will be funneled down Wilton Creek; trees would have to be 30 years of age without harvesting to abate the sound.
- Tony Meushaw - there would be environmental impact from lead contamination; the plan is inadequate.
- James Crittenden - opposed to the location
- Lawrence Taylor, Kilmarnock - favored application; plan submitted was reasonable to abate noise impact. Neighbors of the club in Kilmarnock are not aware of the club.

There being no further comment, the public portion of the hearing was closed. All Board members expressed their opposition to locating the gun range use at this location. Mrs. Weber questioned the definition of a private hunt club. Mr. Wilson

noted that he considered it customary to have some target shooting at a hunt club. The Planning Commission will be working on a more specific definition for hunt club.

The motion to deny the Special Exception Application as requested, based on the environmental impact, safety, and non-compatibility with surrounding properties was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING - MAJOR SITE PLAN APPLICATION #SITE-2000-16,
MIDDLESEX COUNTY SCHOOL BOARD**

Mr. Wilson had indicated in his memorandum to the Board of Supervisors dated December 15, 2000, that there would be no staff report or recommendation on the application because he had determined the application to be incomplete. Mr. Miller opened the public hearing for comments.

John Moore, Chairman of the Middlesex County School Board, introduced Jim McCalla and Mike Apt from the architectural firm of Mosley, Harris & McClintock, and Steve Hostetler from Timmons, an engineering firm, who have all been working on the school projects.

Carol Blake Milby, a property owner across Route 620 from the proposed elementary school expressed her concerns with increased traffic on the road and noted the problems she has now with people using her property as a turn-around.

There being no further comments, the public portion of the hearing was closed. Mr. McCalla was questioned regarding the type of roof system that is proposed for the school. According to McCalla, the roof is a low-slope system; his firm was not asked to address a different type of roof, only to provide plans for a copy of the Northumberland Elementary School. Mr. Miller, Mr. Crittenden, Mr. Culley and the Building Official recently went to the Northumberland Elementary School and saw damage to ceiling tiles caused by roof leaks under the low-slope portion. Cracks were also appearing in walls that were less than five years old. The Board of Supervisors expressed their concern with spending money on repairs in the future if the money can be spent now to prevent a problem. The architect estimated that for an estimated \$10.00 per square foot, the roof area could be raised to put a metal roof on.

The Board questioned the areas to be paved. The architect indicated the plan shows some areas are to be paved and some are to be gravel only.

Regarding the entrance onto Route 620, no application has been submitted. The Virginia Department of Transportation Land Development Permits/Supv. has expressed questions regarding the entrance width. The well site has been approved by the Richmond office of the Department of Health. A sewer application has been submitted, however, is awaiting plans and well information.

Regarding the soccer field, the Board suggested that it would be better if the field were moved back away from the road.

Mrs. Weber questioned whether provisions were being included to enable the school to be used as an emergency shelter. The architect commented that the generator has been sized to allow for minimal heating of areas, some cooking appliances and lighting to be included on the generator. The architect indicated he will double check to see if the air handlers are also on generator power, not just the boiler. Mr. Culley requested that some 20-amp 120-volt receptacles in the kitchen also be put on the generator.

David Selph, Building Official, reported that no written comments had been received from the fire department or fire marshal.

Mr. Culley noted that shrinkage cracks were visible in the Northumberland school caused by placing non-load bearing walls directly on slabs with no footings for support. The architect indicated that this was the less expensive method of construction. Cracks could be lessened by thickening the slabs or adding control joints, both at additional costs.

When asked about the limited amount of landscaping shown on the plan, Mr. Moore commented that schools are now limiting landscaping for security measures, to limit hiding places at ingress/egress locations.

When questioned about lighting and whether parking areas are to be gravel or paved, it was noted that the Planning Commission discussed the alternatives, but did not make anything part of the motion. Mr. Culley explained that the motion for approval of the plan needed to include everything the Board wants included in the final construction.

Mr. Miller questioned the timeline to spend funds that was placed by the Industrial Development Authority. Mr. Culley explained that within three years from receiving funds, there must be an 85% drawdown of funds. If under construction, the School Board can request an extension to five years. The projects are not required to be bid together. There may be some other IRS Codes that could come into play. Mr. Moore commented that the projects would be bid together, with an alternate of bidding the projects separately.

The Planning Commission recommended approval of the plan as submitted; however, the Commission did not take specific action or make a specific finding concerning the project being in accordance with the Middlesex County Comprehensive Plan, as required by Section 15.2-2232 of the Code of Virginia. It was Mr. Soberick's opinion that the Commission's recommendation for approval of the plan constituted the Commission's finding of compliance with the County's Comprehensive Plan.

Mr. Jessie commented that there needed to be more discussion on whether to approve the proposed roof or request additional options and prices. There was no further action taken.

Mr. Williams made the motion to approve the plan as submitted, subject to final approval from the Health Department, Department of Transportation and compliance with the County's Comprehensive Plan.

**PUBLIC HEARING - MAJOR SITE PLAN APPLICATION #SITE - 2000-17,
MIDDLESEX COUNTY SCHOOL BOARD**

There was no Staff Report or recommendation from Staff regarding this application, as the Planning Director, Tim Wilson, had determined that the application was not complete. The Planning Commission, at their meeting on December 14th, conducted a public hearing, however, did not close the hearing for comments and will continue the hearing at its meeting on January 11th.

Mr. Miller opened the hearing for comments. Mr. Jim McCalla, architect with the firm Mosley, Harris and McClintock, presented a revised rendition of the front façade which he indicated had been changed based on comments heard at the December 14th Commission meeting. The new rendition eliminated the front drive and showed a revised bus loop on the east side of the building.

The following comments were received from the public:

- Julia Haynes - concerned about closeness to the road and related her garage had been struck by a vehicle leaving the roadway.
- Janet Lunden - approved the more traditional façade that was presented.
- Gene Major - requested that heating and air conditioning equipment be hidden from public view and that one color brick be used. In addition, Mr. Major commented that the County should build something to last and should not include a flat roof on top.
- Kathy Vestly requested the Board to move ahead and building something nice for the future.
- Bill Powell - requested the Board to proceed with the proposed plan.
- Charles Mangum - agreed that the high school and elementary school projects could be done as separate projects. Mr. Mangum also voiced his disapproval with locating the school so close to the road.
- Evelyn Scott - improvements at the high school are long overdo.
- Palmer Curdts - encouraged the Board to proceed with the improvements necessary. Students currently work around buckets in the floor to catch water from leaking flat roofs.
- Thyra Harris - encouraged the Board to do something better than what is there now; build on a totally new site if necessary.
- Pat Milby - requested the Board do something now.
- Patty Hall - urged the Board to get started.

John Moore, School Board Chairman, requested clarification that when the Board of Supervisors closes its public hearing, it will not reopen it for comments from the public. This was confirmed. The Board will not be able to take any action until a recommendation is received from the Planning Commission.

There being no further public comment, the public portion of the hearing was closed.

Mr. Williams noted he was satisfied with the appearance of the new façade that was presented to the Board. When questioned regarding the traffic noise through all the glass, the architect commented that the windows will be double-paned and it should be quieter than now, even though the building will be located closer to the road.

Mr. Culley noted that the current bus loop is maintained by VDOT and has an assigned route number. This easement would have to be abandoned by VDOT and the Board of Supervisors before the School Board could build.

The architect estimated that the cost of new construction area would be approximately \$105 per square foot and \$45 - \$50 per square foot in the areas to be renovated.

When questioned regarding the move of the addition from the side to the front, Mr. Moore commented that moving to the front allowed the creation of a new school look. Mr. Moore also noted that relocating high-pressure steam pipes and removal of a possible underground storage tank from the side let to escalating costs. An addition on the front would allow for work to continue while school was in session.

Mr. Moore admitted that the rendition shown showed the final project. The bus loop suggested for the east side would be another phase of the project to be constructed as funding permits. The current plan requires buses to travel down the east side, around the back of the main building, and in between the gym and west wings. There were no provisions included for demolition of the western most wing or the east wing for creation of the new bus loop. Mr. Miller requested that the School Board look at the cost of tearing down the east wing.

There was no further action taken at this time.

RABIES CLINIC

The motion to hold a rabies clinic on January 20th, from 9:00 AM - 11:00 AM, at the County Maintenance Building, at a cost of \$3.00 per shot was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. The clinic was moved from the usual second Saturday in January due to the Lee/Jackson - King holiday.

APPROPRIATION - EMERGENCY SERVICES COMMITTEE

The motion to approve the appropriation of \$4,620.00 to be used to finance transportation and lodging for representatives of the Emergency Services Committee to attend staging and demonstration of the County's radio equipment being purchased from Motorola was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously. The trip will be made to Schaumburg, Illinois, February 13 - 15, 2001.

ADJOURN

There being no further business, the meeting was adjourned. The next meeting of the Board would be held on Wednesday, January 3, 2001, beginning at 9:00 A.M., in the Board Room of the Woodward Building, and would serve as the Board's annual organizational meeting.

John D. Miller, Jr., Chairman
Board of Supervisors