

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS HELD ON
TUESDAY, DECEMBER 18, 2001, IN THE BOARD ROOM OF THE WOODWARD
BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Williams called the meeting to order at 7:00 P.M. and opened with prayer.

BASE REALIGNMENT AND CLOSURE (BRAC) TASK FORCE

Board members considered a request from Congresswoman Jo Ann Davis regarding appointment of a nominee to serve on a base realignment and closure task force which would be made up of local community leaders and hired consultants to help ensure the long-term presence of a military community and facilities in the first congressional district. The task force would make recommendations to the BRAC Commission, which in turn would make recommendations to the Department of Defense. The Board was asked to provide a financial commitment and to submit the name of the nominee along with their biography and professional history, who would have the authority to speak for and represent the County. Mr. Culley was asked to find additional information on the request, such as the amount of financial commitment required.

DRAGON RUN BRIDGE

The Board reviewed a letter from Gloucester County to Delegate Bloxom requesting that the Delegate introduce and support legislation that would be necessary to have the bridge on Route 17 at the Dragon Run named the James V. Morgan Memorial Bridge. The motion to support the legislation was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

PRE-CONSTRUCTION MEETING FOR HIGH SCHOOL

Mr. Williams advised the Board and Mr. Culley of a pre-construction meeting for the High School project scheduled for Thursday, December 20, 2001, at 10:00 A.M.

MEETING WITH LEGISLATORS

The Board met with Senator Bolling and Delegate Morgan, who outlined activities on the State level. According to the Legislators, the budget for the current year will be 1.3 billion dollars short and is expected to be 2.1 billion dollars short in the first half of the next biennium. Cuts in State administration are expected to be in the 2-5% range. Senator Bolling noted that the General Assembly is looking at removing the BPOL tax, and hoped there would be a constitutional amendment that would allow for permanent and escalating funding to reimburse the car tax to localities and increasing the percentage from state income tax to localities. There will be no new programs and no new money for existing government programs; reductions for non-essential programs, and the Assembly will be looking at alternative funding sources.

The Board of Supervisors requested that the Assembly look into providing more funding for state institutions to service children as part of the comprehensive services program, as the localities are now at the mercy of the private sector and running out of facilities that will take some children.

Mr. Culley explained that because the County did not charge for a business license tax, he was unaware of a change in the State Code that imposed an additional gross receipts tax on telephone and telegraph companies, water companies and heat, light and power companies. Rather than going to the State's general fund, this revenue would have come to the County, if the proper ordinance had been adopted by October 31, 2000. Middlesex County and Lee County are the only counties in the State that did not adopt the proper ordinance. Mr. Culley requested that Delegate Morgan introduce legislation to allow the County an extension on adoption of this ordinance.

Landfill Issues:

The Legislators were present to hear comments regarding the County's current landfill situation. Terri Phillips, representing the County's environmental firm, Joyce Engineering, was present to discuss the current requirements for the County with regard to gas and water monitoring. According to Phillips, the Department of Environmental Quality (DEQ) does not have policies in place to address all issues. Phillips suggested that the Department of Environmental Quality use risk assessment as a controlling feature when requiring assessment monitoring. Senator Bolling indicated that he would work with the County to see that the DEQ does not go overboard on its requirements

State Park:

Delegate Morgan commented that the Middle Peninsula is the only area of the State that does not have a State Park. Mathews County has endorsed the idea of a park.

PUBLIC HEARING – SIX YEAR SECONDARY ROAD IMPROVEMENT PLAN

Mrs. Parker, Resident Engineer with the Department of Transportation, Saluda Residency, presented proposed projects to be included in the Six-Year Plan for Middlesex County. These were the same projects presented at the Board's work session on December 4th. Mr. Williams opened the public hearing for comments. There being none, the hearing was closed. The motion to adopt the plan and budget as proposed was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – THROUGH TRUCK RESTRICTION – ROUTE 630

Mr. Williams opened the public hearing for comments regarding a proposed restriction to through trucks with more than six wheels on Route 630, Stampers Bay Road, from Route 33 East to Route 3. Macey White commented that he has not noticed a problem with large semi-trucks using this road, but believed that a competent driver would not have problems. There being no further comments, the public portion of the hearing was closed. Mr. Crittenden noted that he was concerned with school buses that could not be maneuvered as quickly as a passenger vehicle. Mrs. Parker noted that if adopted, the restriction would probably be removed after scheduled construction on the road was completed. The motion to request the restriction by the Commonwealth Transportation Board was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – R-2001-07, JOHN DOZIER

Mr. Wilson, Planning Director, presented Application R-2001-07, an application to rezone lots 41-36-6, 7 & 8, a total of 2.91 acres from Residential District to Waterfront Commercial. This property is currently used for a single-family dwelling, with the rest undeveloped. Surrounding land uses are primarily marina related commercial and single-family residences; the property is bordered by properties zoned Residential and Waterfront Commercial. The Future Land Use Map of the Comprehensive Plan designates the general location of the property as being in a Waterfront Development Area situated on Broad Creek.

Mr. Williams opened the hearing for comments from the public. A letter of opposition had been received from Mr. Wallace Haley. Mr. James A. Ashby, Jr., spoke in length in opposition to the proposal. Mr. Ashby noted that the property in question was separated from the water by residential uses on property zoned Residential. Mr. Ashby expressed his concern with current uses of the property for storage of boat trailers and a dump truck, a fence that was constructed to block the water view from the residential properties and general lack of maintenance. Mr. Dozier responded that the fence had been recommended by the Planning Department as a screen for the commercial activities and was not built in retaliation for not being able to purchase the residential property. Also, according to Mr. Dozier, several old trailers were on the property when he purchased it and he is in the process of having them removed. Mr.

Dozier explained that he currently had no plans for the property, but would be considering a retail shop possibly for marine supplies and small boats.

There being no further comments, the public portion of the hearing was closed. It was noted that any commercial development of the property would require major site plan review. Mr. Miller made the motion to approve the application for rezoning. Mr. Williams commented that he would like to have an opportunity to visit the site; Mr. Miller withdrew his motion. The motion to postpone action on the application until the Board's January 15th meeting was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2001-06, JOE HEYMAN

Mr. Wilson presented Special Exception Application 2001-06, an application from Joe Heyman to construct a building for retail use greater than 5,000 square feet in size in a Village Community District. The building for which permit approval is being sought is 9,000 square feet to be located at Tax Map 40-62-4 & 5, a total of 1.63 acres, after a boundary line adjustment to combine lots 4 and 5. This property is located on the south side of State Highway 33, at State Road 1103, in Deltaville. A total of 58 parking spaces is proposed, which exceeds the number required by 13. The Planning Commission recommended approval of the application.

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

PUBLIC HEARING – AMENDMENT OF SPECIAL EXCEPTION PERMIT 2000-12

Mr. Wilson presented the application to amend Special Exception Permit 2000-12, granted to Virginia Motor Speedway, Inc., to allow construction of a proposed 5.4 acre secured parking area. The total area of the property is 66.336 acres, made up of Tax Map Parcels 12-11, 11A & 11B, on the southwest corner of U.S. Highway 17 and State Road 606. A single entrance to the parking area is proposed on Route 606. The planting of evergreen trees on twenty foot centers on the eastern boundary and partially on the southern boundary of the proposed parking area visible from U.S. Highway 17 is proposed.

Mr. Williams opened the hearing for comments. Robby Nelson, engineer representing the Sawyers, was present and explained that the parking area would be for racers and haulers. There being no further comments the public portion of the hearing was closed. The motion to approve the application as submitted was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

COURTHOUSE

Engineers and architects from the firm Wiley and Wilson presented the proposed courthouse concept design, with the new three-story building to be located on the current parking lot/drainfield area behind the existing Courthouse Complex. The building design includes offices for the magistrate and juvenile court on the first floor, general district court on the second floor and circuit court on the third floor, each floor being approximately 13,774 square feet. A full basement has been included in the design, which could be used for future expansion of any court related service. As explained, the biggest issue for the site will be wastewater treatment, with it proposed that treatment be provided off-site with a 25,000 gallon per day treatment system, only 5,000 of which would be needed for the proposed use and remaining complex buildings. The remainder of the system could be used to provide sewage treatment to residential or commercial properties in the Saluda area. Parking would be provided on site, with an additional 60 spaces proposed for property located at the corner of Route 17 & Route 618. Stormwater disposal could be routed underground to property across Route 618 which is currently for sale. Water for a fire suppression system would be contained in an underground storage tank; screening could be established between adjoining properties.

As explained, another design had been proposed to Mr. Culley at a preliminary meeting on December 13th, with a basement and two floors. This plan had no room for expansion of any office. In addition, this initial proposal was more modern in design and had the building facing Route 618, with the side of the building visible from Route 33. The architect revised this plan to the one currently proposed after the preliminary meeting on the 13th, to include room for expansion, revise the façade and the location.

Bob Mayberry presented cost estimates for the design as follows:

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|---|----------------|
| • Three-story court building | \$4,682,000 |
| • Unfinished basement | 480,000 |
| • Site development, parking, drainage inlets, landscaping | 324,000 |
| • Sanitary sewer (plant on parcel on Route 618) | 202,000 |
| • Utilities – water and fire system | 110,000 |
| • Court security equipment | 175,000 |
| • Contingency – 15 percent | 891,000 |
| • Architectural/engineering fee – 9 percent | <u>615,000</u> |
| | \$7,449,000 |
| • Satellite Parking | \$125,000 |
- These estimates do not include items such as furniture, computer networks or land purchases for retention pond, sanitary sewer, NPDES permits, etc.

Board members discussed the latest proposal, with Mr. Williams opposed to undesignated space in the basement. The need for satellite parking was also discussed. There were comments from several members of the public that were in attendance, with

Mr. John Coe questioning the new location, since this location had never been discussed before. Ed Bridger asked about operating costs for the proposed building and Mrs. Ruby Norris commented on the need for public review of the proposal.

It was determined that the latest design would be displayed in the Board Room until the next meeting, with a public comment period scheduled for January 2nd, at 1:30 P.M.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing potential land acquisition, pursuant to §2.1-344.a7 of the Code of Virginia, 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. Crittenden and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.a7 identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Meeting there was no action taken.

ADJOURN

The motion to adjourn until the annual organizational meeting scheduled for Wednesday, January 2, was made by Mr. Miller, seconded by Mr. Crittenden, and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors