

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JANUARY 16, 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  
Frank 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 7:30 P.M., and opened with a prayer. There being too many people to be accommodated in the Board Room, the meeting was recessed and moved to the Courtroom of the Courthouse. Mr. Williams reconvened the Board and called the meeting to order.

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

Planning Director, Tim Wilson, presented the Planning Commission's recommendation regarding this application. At their meeting on January 11<sup>th</sup>, the Commission recommended approval (5-4-2 vote) of the Site Plan with the condition that the bus loop be revised to circle the student parking lot. No revised plans have been submitted to the Planning Department. Mr. Williams noted that he would open the floor for additional comments from the public.

John Moore, School Board Chairman, stated that a revised plan was presented to the Board of Supervisors at their December 19<sup>th</sup> meeting and to the Planning Commission on January 11<sup>th</sup>. Mr. Moore reported that in 1996, the Department of Education surveyed the high school, considering the question of remodeling or building new. The report dated August 1998 reported that it was not worth remodeling efforts, all but the gym and media center should be built new. According to Mr. Moore, the Steering Committee that was appointed came to the same conclusion and all parties agreed, either to build new at the site, or build a totally new school at another location.

With regard to payment of the annual fee to the Industrial Development Authority, Mr. Culley referred to bond documents signed by Mr. Moore, which showed that the School Board is the applicant and that the School Board acknowledged it would pay the fee. Mr. Moore stated that the School Board always knew about the fee; however, the Board of Supervisors had told the School Board at budget time to come back for funding unusual expenditures, such increases in fuel costs. Mr. Moore considered this to be an unusual condition. Mr. Crittenden commented that because

they already knew about the fee and the amount due, the School Board should have included it in their budget.

With regard to the construction projects, Mr. Moore commented that funding through the bond sale was for "a project" that included both the new elementary school and renovations at the high school. According to Mr. Moore, the School Board can do both school projects or none at all, but cannot do one without the other.

Randy Hester, School Board member, commented that the proposed renovations at the high school are in the best interest of the teachers, students and citizens.

Charles Mangum commented that the project does not meet the requirements of the County's Comprehensive Plan. Mr. Mangum also questioned the budget for the projects - how much is budgeted for the elementary school project, which has already been approved and how much is left for the high school. Mr. Mangum suggested a possible conflict of interest because a member of the high school faculty voted on the Planning Commission. Mr. Mangum commented that the proposal of adding on to the front of the building was always a bad plan, even with the changes in the façade, and it was still a bad plan, and hinges on the School Board being able to build on land that does not belong to them.

Rebecca Landau, a student at the high school, suggested that the Board of Supervisors and School Board come together to approve a plan for renovations at the High School, just as they had come together to approve the initial capital improvements plan.

John England, Chairman of the Planning Commission, commented that he believed the Commission was in error with presenting a favorable recommendation. The current plan proposes that the addition be built on top of a right of way maintained by the Department of Transportation. A good bus loop would have to be abandoned requiring construction of a new loop. Mr. England noted there were too many unanswered questions and concerns, including how temporary the temporary loop would be that will mix buses, parents and student. Mr. England requested a total picture and total commitment to a complete project, including a proper and safe bus loop. In addition, other problems such as the cafeteria and heating system are not being addressed. The best decision for the long run, for both students and citizens, needs to be made.

Henry Easton, Planning Commission member and faculty member from the High School, commented that he had voted as a Commissioner, without regard to his interests as a teacher at the High School, and was addressing the Board of Supervisors as a citizen. Mr. Easton questioned what would happen if the high school project were not approved. Mr. Easton noted that he was concerned with plan review by other agencies.

Rebecca Gates, High School Principal, spoke in favor of the new addition, which would provide for more visibility of the main entrance by the administration.

Mr. Miller questioned the procedure for abandoning the right of way of the current bus loop. According to Mr. Soberick, a public hearing would be required before the Board of Supervisors could request the Department of Transportation to abandon.

Mr. Crittenden questioned whether or not the two former Board of Supervisors members who were on the Steering Committee had reviewed the proposed plan before it was submitted. Mr. Moore commented that at least one member was present at the December 16<sup>th</sup> hearing and to his knowledge neither former member had expressed opposition to the plan.

Mr. Wilson was asked what else was required. Health Department plans would be required. Plans for the bus loop would be required for Department of Transportation review and approval. VDOT has already expressed concern for a potential stacking problem and will possibly have a problem with the proposed mixing of bus, student and drop-off traffic in the "temporary" loop.

Mr. Culley questioned the brick color to be used. Mr. McCalla noted that efforts would be to match the existing brick color and cut face blocks would not be used.

Mr. Wilson noted that if the current plan is used, he could not issue a zoning permit until the right of way is abandoned.

Mr. Jessie requested that the Board move on with approval of the proposed plan.

Mr. Miller made a motion to table the plan for a month to get everything on paper. Because the original plan is the only one that has been received by the Planning Department, it is the plan that is under consideration by the Board. Everything the School Board wished the Board to take action on would have to be submitted to the Planning Department and would remain with the Planning Department as a part of the application. Mrs. Weber seconded the motion, which was amended to table action until the next night meeting. The motion passed by vote of 4-1 (Jessie opposed).

Mr. Moore requested that all requirements be outlined. The Planning Department will prepare a list of all required information.

### **PUBLIC HEARING - SITE PLAN APPLICATION – #2000-20**

Planning Director, Mr. Wilson, presented Site Plan Application #2000-20, from applicant, Oscar Barber-Delaware Corporation, for a proposed airport maintenance facility. The project consists of the construction of a 12,000 square foot airport hangar and office on a 1.3-acre site zoned General Business District, located on the north side of State Highway 3, at Hummel Field Airport, Tax Map Parcel #30-108 & 109. The

buildings and development of the property under this application submittal are the same as previously reviewed under Site Plan Applications #99-10 which was denied by the Board of Supervisors. A water supply and sewage disposal system to serve the facility has received approval by the Health Department; the Department of Transportation has granted approval for an entrance on Highway 3. The Federal Aviation Administration, in an aeronautical study dated October 6, 1998, determined that the proposed building would not be a hazard to air navigation and would not impact planned Global Positioning System (GPS) approach procedures. This FAA determination expired on May 15, 2000.

According to Mr. Wilson, the application meets the minimum requirements of the Zoning Ordinance and staff has recommended approval with conditions. The Planning Commission, by vote of 9-1-1 has recommended approval of the Major Site Plan, conditioned upon the following: installation of the infiltrator system depicted on the site plan; planting of trees as depicted on the site plan; compliance with approval conditions of Variance #98-008; reapproval of the FAA Aeronautical Study for determination of hazard to air navigation.

Mrs. Weber questioned whether the Virginia Department of Aviation (VDOA) was advised that Mr. Barber had filed a new application. Mr. Wilson commented that he had not submitted the application to the VDOA because it was the same application that was submitted last year. At that time, the VDOA had concerns about the building being an airspace hazard.

Mr. Williams opened the hearing for public comments. Oscar Barber, Applicant, presented the elevation survey, which was submitted as part of the Board of Zoning Appeals Variance Application #98-008. Mr. Barber noted that the proposed building will be the same distance away as the existing building of Jamie Barnhardt. Mr. Barber added that he had asked representatives of the FAA and VDOA to attend the meeting in the event the Board had any questions.

Jackie Dankos, the County's representative on the Virginia Aviation Board, commented that he had not read anything with the application that would prevent future funding from the State for Hummel Field. Mr. Dankos added that the important areas of concern at the airport are keeping the approach slopes clear and in his discussions of the application with Rusty Harrington, VDOA Planner, there was little or no concern expressed.

Mr. Crittenden and Mr. Williams expressed their thanks to Mr. Dankos for taking the time to attend the meeting, and to the VDOA for funding projects at Hummel Field.

Scott Kauffman, Chairman of the Middlesex County Airport Committee, expressed his concern with the building as an obstruction and a hindrance to the County's application for a GPS approach. Mr. Kauffman also read letters from Dave Johnson and Jamie Barnhardt which expressed their concerns with losing State funding as a result of this application.

Ray Rogers expressed his approval of the application, but also his concern that funding from the State not be jeopardized and requested that the County obtain in writing confirmation that funding would not be compromised. Mr. Rogers spoke in favor of the application on behalf of Raymond Campbell, owner of Atlantic Metals and CDC Corporation, businesses adjoining the airport.

Robert Crump, member of the Airport Committee, indicated that he had spoken with Gerry Jackson of VDOA, who had informed him that VDOA was concerned with the side as much as the approach to the runway. Mr. Crump requested that VDOA be allowed to re-visit the application and make a ruling as to whether or not the building would be an obstruction.

Larry Hardwick, member of the Airport Committee, commented that he did not wish to stand in the way of free enterprise, but not at the expense of jeopardizing the airport or funding from the State.

Bert Chase made reference to federal regulations regarding the GPS approach and also noted that with a Visual Flight Rule approach, even a small amount of encroachment is an obstruction.

Maude Walker, Airport Committee member and former air traffic controller, commented that the building would not be a problem with either the visual or instrument type of approach.

Thomas Jones, Federal Aviation Administration, commented that the proposal was evaluated and indicated no impact to instrument flight rules.

David Nichols commented in favor of the application, and added that if necessary, the Board could make continued funding by the VDOA a condition of approval.

Breck Ingles, attorney for the applicant, commented that the Board had heard from the "horses mouth", from Jones of the FAA that the application was not considered to be a hazard, and from Dankos of the VDOA that funding would not be effected. Mr. Ingles added that his client would be agreeable to a condition that the project would not adversely effect VDOA funding.

There being no further comment, the public portion of the hearing was closed. Mr. Crittenden noted that confirmation of the information provided previously in the meeting from the FAA and VDOA representatives should be in writing. The motion to table action until Mr. Barber could get and provide the information in writing from the FAA and VDOA concerning air hazard and funding was made by Mr. Crittenden and seconded by Mr. Miller. Mrs. Weber announced that she would abstain from the vote due to her husband's possible conflict of interest with the application. The motion was carried by a vote of 4-0-1, with Mrs. Weber abstaining.

**PUBLIC HEARING – REZONING APPLICATION #2000-03, RONALD AND ALICE HALL**

Mr. Wilson presented Rezoning Application #2000-03, submitted by Ronald and Alice Hall for the reclassification of property from Cluster Development District to Waterfront Commercial District. The property in question is listed as portions of Tax Map 40-385 and 40-121-A, 0.626 acres at the end of State Road 1102. Surrounding land uses include a marina and residential uses. The proposed purpose is to add additional shoreline property to Fishing Bay Marina for additional boat slips. The Planning Commission recommended approval of the application.

Mr. Williams opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the reclassification of the property referenced above, from Cluster Development to Waterfront Commercial was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION #2000-12 AND MAJOR SITE PLAN APPLICATION #2000-19**

Mr. Wilson presented the above applications, submitted by Joseph and Adine Jones for the construction of a contractor's office to be located at Tax Map 29-38, a 17.157 acre parcel, zoned Village Community District. The owner had been sent a Notice of Violation for the unpermitted use of property for storage of contractor's equipment and materials and placement of an unpermitted sign, however the owner is now fully compliant. A water supply and sewage disposal system for the property has been approved by the Health Department. Approval of a commercial entrance will be required by the Department of Transportation.

The Planning Commission recommended approval of the application conditional upon the following: full compliance with the Notice of Zoning Violation and Enforcement Order issued by the Deputy Zoning Administrator on November 13, 2000; submittal of building drawings or elevations; issuance of a commercial entrance permit by VDOT; identification of parking areas and any areas proposed for the parking and storage of equipment and materials. Since the Commission's meeting the Planning Department was in receipt of a drawing which identified the location of the proposed building along with areas for parking and storage of equipment and materials.

Mr. Williams opened the public hearing for comments. Mrs. Lorena Yarrington and Mr. Mathew Moss, adjoining property owners, both spoke in favor of the application. There being no additional comments, the public portion of the hearing was closed.

The motion to approve the applications as recommended by the Planning Commission and based on the plan that was submitted to the Board was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

**VIRGINIA PENINSULAS PUBLIC SERVICE AUTHORITY**

***Drop-Off Recycling Agreement:***

Steve Geissler, Executive Director of VPPSA, requested the Board's approval of an agreement between VPPSA and the County for drop-off recycling, with containers to be provided at the County's three convenience centers and the transfer station. This agreement would replace a current agreement the County has with Waste Management through VPPSA. VPPSA has negotiated a contract with Tidewater Fibre Corporation for the disposal of recycled materials. The motion to approve the agreement between the County and VPPSA was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

***Distribution of Retained Earnings:***

Mr. Geissler presented a check in the amount of \$17,388.00. Mr. Geissler explained that at the end of FY 00, the VPPSA administration budget balance was \$419,000, an accumulation of budget savings and interest earned. Of the total, the VPPSA Board approved using \$226,800 for the purchase of drop-off recycling containers and returning \$150,000 to participating communities.

***Office Trailer:***

Mr. Geissler explained that it was the desire of VPPSA to place an office trailer at the Transfer Station to be used as a hub for their Middle Peninsula operations. The trailer would provide room for the maintenance supervisor, assistant supervisor and dispatcher. Approval of a variance application is required due to the proximity of the proposed unit to the state right of way. Because the County is the actual property owner, VPPSA is required to obtain the County's permission to make application for the variance and other permits.

Mrs. Weber made the motion, seconded by Mr. Miller and carried unanimously granting consent to VPPSA to pursue applications for placement of the trailer with the condition that if VPPSA ceases to operate at the facility the trailer will be removed by VPPSA.

**RESOLUTION**

At their meeting in November, the Airport Committee voted to request that the Board of Supervisors endorse a resolution to the Glascocks for their contributions to the Airport and County. The Airport Committee is planning to present a plaque to the Glascocks at the Committee's meeting on January 22<sup>nd</sup>. The motion to adopt the following resolution for presentation to the Glascocks was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

**RESOLUTION**

**IN APPRECIATION OF  
EDWARD AND REVA GLASCOCK AND  
GARY AND BONNIE GLASCOCK**

*WHEREAS, the Middlesex County Board of Supervisors acquired the Hummel Field property for use as a public use airport in 1969; and*

*WHEREAS, the Pilot House Restaurant was used as an early base of operations for Hummel Field; and*

*WHEREAS, the Pilot House property was also used as a location for the Hummel Field beacon; and*

*WHEREAS, the Middlesex County Airport Committee has used the Pilot House Restaurant as its meeting place for over 25 years.*

*NOW, THEREFORE BE IT RESOLVED, that Edward and Reva Glascock, and Gary and Bonnie Glascock, are recognized for their overwhelming generosity in allowing the Airport Committee use of the Pilot House Restaurant for its meetings;*

*BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors recognizes the Glascock family for their long-standing cooperation as neighbors and mutual support in the promotion of Hummel Field.*

**MILEAGE REIMBURSEMENT RATE**

The motion to adopt the State rate for mileage, currently at 32.5 cents per mile was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

**OUTDOOR LIGHTING ORDINANCE**

Mr. Crittenden requested that the Planning Commission consider drafting regulations pertaining to outdoor lighting.

**MIDDLESEX COUNTY COURTS – SPACE NEEDS ASSESSMENT**

Joe Cronin, Bob Mayberry and Bernard Mazanec, representing the architectural firm of Wiley and Wilson, presented their report of the Middlesex County Courts – Space Needs Assessment. This report outlined the square footages of existing uses, and considered the requirements, requests, case loads heard at the existing facilities, those heard elsewhere because of inadequate facilities and projections for the next five to ten years. Four options were presented for future court facilities:

- Option A: Renovate and expand the existing courthouse;
- Option B: Renovate existing Rappahannock Central Elementary School;
- Option C: Build a new courthouse facility on property adjacent to the existing courthouse;

- Option D: Demolish the existing school building referenced in option b and build a new courthouse facility at this site.

The Firm recommended Option C. No action was taken by the Board at this time.

**ADJOURN**

There being no further business, the meeting was adjourned. The next regular meeting of the Board would be held on Tuesday, February 6, 2001, beginning at 9:00 A.M., in the Board Room of the Woodward Building.

---

Kenneth W. Williams, Chairman  
Board of Supervisors