

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON WEDNESDAY, NOVEMBER 7, 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, Sr., Jamaica District

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

CALL TO ORDER

The Chairman, Mr. Williams, called the meeting to order at 9:00 a.m. and opened with a prayer. Mr. Crittenden congratulated Mrs. Weber, Mr. Williams and Mr. Jessie on the results of the election.

MINUTES

The motion to approve the minutes of October 2nd, October 16th and November 2nd was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Checks numbered 40088 through 40279 totaling \$210,316.26 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of October was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 39991 through 40086 totaling \$160,546.23 were disbursed as approved.

COMMITTEE REPORTS

Mr. Miller:

- Middle Peninsula Criminal Justice Services Board – Judge Long has been appointed Chairman; Mike Soberick – Vice Chairman, Secretary – Charlie Atkins.

Mrs. Weber:

- Jail Board – State Compensation Board has approved funding for basic positions without the usual waiting period. Saw mills are laying off employees for the winter, including several work release employees. One employee has been called into active military duty with the potential for 5-6 more.
- Comprehensive Services – A parent representative to the Family Assessment and Planning Team has been appointed.
- Rappahannock River Basin Commission – the RRBC is pushing for the Game and Inland Fisheries Commission to establish bird and wildlife trails in counties; there is no cost to the County and the Game Commission handles all the details. A resolution will be presented to the Board at the November 20th meeting.

Mr. Jessie:

- Social Services – Jack Fackler attended a local board member training meeting; another will be held in February.

Mr. Crittenden: No report

Mr. Williams:

- Planning District Commission – Did not attend.
- Rappahannock River Basin Commission – there has been much discussion regarding requirements for certified land disturber; Senator Hawke is going to try and have the legislation repealed.

CONSTITUTIONAL OFFICERS

Treasurer: Noting to report

Commissioner of Revenue: Mrs. Ebinger stressed the importance of getting E-911 responses back to the County and added that her office will be doing all it can to help get addresses updated. Mr. Williams said that this issue is a top priority with County staff.

Sheriff: Major Bushey was present representing Sheriff Abbott, who was attending another meeting. The subject of a no-fly zone over the Town of Urbanna during the Oyster Festival was questioned. Mr. Culley noted that the Sheriff advised him that Delegate Morgan had requested the no-fly zone and had contacted the State Police to initiate and enforce it. Board members expressed their disapproval of the Delegate making this decision and at their not being notified of the decision.

HIGHWAY MATTERS

Resident Engineer, Marcie Parker, was present for the meeting.

Route 612: Condemnation has been put to record; work will start the second week in November.

Sports Complex Signs: Request for signage has been sent to the traffic engineering department.

Six-Year Plan for Secondary Road Improvements: A public hearing will be advertised for the December 18th Board meeting; a work session will be conducted at the December 4th meeting. VDOT will run the required advertisement in the newspaper; the County will be responsible for posting notice at the Courthouse.

Route 628: Mr. Williams pointed out that a large, rotten tree needed to be removed from the edge of pavement on Route 628.

Sidewalk Improvements: Mr. Crittenden thanked Mrs. Parker for the improvements made to the sidewalks in Deltaville.

SCHOOL MATTERS

High School Construction Project:

Ed Ruark updated the Board regarding the proposed improvements for the high school. Mr. Ruark noted that all parts of the school, with the exception of the gymnasium, auditorium and library, would either be new or renovated. The proposed plan includes air conditioning for all new or renovated spaces, and will include a new cafeteria.

In putting together costs and available revenue for the high school project, Mr. Ruark noted that the second lowest bid for construction was used because Henderson, the lowest bidder had withdrawn their bid. After deducting outstanding expenses for the elementary school project from revenue available in the trust account, \$3,046,314.00 remains available for the high school project. The construction bid for the high school project (second lowest) came in at \$4,663,395.00, leaving a balance needed for construction at \$1,617,081.00. Estimates were also given for additional required items, including capping where the east wing is removed, architects fees, removal of fuel tanks, parking lot and lighting, testing services, printing costs, clerk of the works and contingency, totaling \$518,000, making the required amount \$2,135,081. Mr. Ruark stressed that this did not include any estimates for demolition, which would be required, nor did it include an estimated \$150,000 required for fixtures and furniture at both the elementary and high schools.

Mr. Ruark thanked County staff and architects for their cooperation in putting together a workable plan. Mr. Ruark was thanked for his efforts in presenting a more

workable plan, with it noted that the original plan did not include making any improvements to the cafeteria.

The motion to schedule a public hearing to receive comments from the public regarding the need for an additional \$2,135,081, plus the cost of demolition, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Superintendent Myers:

Mr. Myers reported that enrollment was at 1317 and reported that the two elementary schools were fully accredited and the High School and Middle School were within benchmarks for accreditation.

Mr. Myers would be meeting with representatives of Henderson Construction regarding the withdrawal of their bid.

STREET NAME CHANGE

Martha Fitzgerald presented a petition on behalf of residents off of Kennardstown Road, who requested that the name of their road be changed from Summerlynn Road to Willies Neck Road. According to Mrs. Fitzgerald, the original name requested for this road was Ruark Road, requested on one form signed by Mrs. Dorothy Hall, but on behalf of seven property owners. Because of similarity with a pre-existing name, the only other name sent on a form, Summerlynn Road, was chosen. Mrs. Fitzgerald explained that none of the petitioners for the name Ruark Road wanted the name Summerlynn, and that Willies Neck had historical significance for the area.

The motion to approve changing the name of Summerlynn Road to Willies Neck Road was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Mrs. Weber suggested that a cut-off date be established for making any additional changes. It was noted that less than 70% of the address verification forms had been received; the post office requires a return rate of 97% and two months to update their records. The motion to deny acceptance of any street name changes until January 2003 was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

AIRPORT MATTERS

Representative of the Airport Committee, Bob Crump, announced that the Department of Aviation had performed another survey, which indicated that the pecan tree on the Miller property, across Route 3 from the Airport, had grown approximately 15 feet into the side glide slope. According to Mr. Crump, the Department of Aviation will withhold improvement grant funding until all obstructions are taken care of.

Mr. Crump requested the Board authorize The LPA Group, the engineering firm under contract, to survey the runway and approach slopes. Previous visits with Mrs. Miller have indicated her reluctance to having the tree cut again. Mr. Williams requested that Mr. Miller and Mrs. Weber visit with Mrs. Miller regarding the tree.

SITE PLAN APPLICATION 2000-20

Last discussion of this application was on April 2001. A request for appeal and discretionary review by the Federal Aviation Administration has been denied and the FAA determination of "no hazard to air navigation" stands. Oscar Barber has requested that the Board take action.

Mrs. Weber questioned the disposition of underground fuel tanks on this property. According to Mr. Barber, there has been no fuel available since prior to 1977 and he assumed that if there were tanks they had been filled with sand.

The motion to approve Site Plan Application 2000-20, for a proposed airport maintenance facility to be located on Tax Map 30-108 and 109, was made by Mr. Crittenden, seconded by Mr. Jessie. The motion carried by a vote of 4-0-1; Mrs. Weber noted that she would abstain because of a potential conflict of interest. Mrs. Weber noted her opposition as a private citizen to this application.

APPOINTMENTS

There was no action taken regarding appointments to the Planning Commission or Airport Committee.

JACKSON CREEK DREDGING

The motion to waive the wetlands board application fee for the application for dredging Jackson Creek submitted by the Army Corps of Engineers was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

SPORTS COMPLEX

The motion to waive the building and zoning fee for a 32' x 36' maintenance building and authorizing the building to be constructed at the Sports Complex was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

VIRGINIA'S RIVER COUNTRY

Mr. Culley requested the Board's authorization to approve a request for \$6,000, the budget request approved for Virginia's River Country. It was noted that there is now supposed to be a separate Middle Peninsula office. Mrs. Weber recommended

continued support. The motion to approve payment of the \$6,000 was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

JUVENILE DETENTION COMMISSION

The motion to appoint Marcia Jones as alternate to the Juvenile Detention Commission representing Middlesex County was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

ANIMAL SHELTER

Mr. Culley presented a proposed regional agreement for development of an animal shelter between Middlesex County, King and Queen County and King William County. The proposed agreement allows for the design phase of a shelter. Upon the completion of the design, the participating localities will have the opportunity to enter into a final agreement to participate in the construction and operation phase. Mr. Culley noted that he believed that with regional participation, the building portion would be more expensive than County only, but the County should save with regional operation costs.

The motion, to endorse the agreement and to endorse a proposed legislative amendment removing the penalty for localities working on bringing shelters up to state standards, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

COASTAL ZONE MANAGEMENT GRANT

The motion to accept the Coastal Zone Management Grant of \$25,000 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

PROPOSED ZONING AMENDMENTS

Mr. Culley presented proposed amendments to the Zoning Ordinance that had been developed from ordinances of other counties at the request of the Board. Proposed amendments moves hunting clubs, firearm sports and training facilities and outdoor shooting ranges to special exception uses in the Low Density Rural Zoning Classification and adds definitions for these uses. It was suggested that fishing clubs also be listed as a special exception use and that the definition of game preserve be expanded to state that "firearms demonstrations or other programs which do not involve actual hunting activities are not permitted".

The motion to adopt the following resolution to be submitted to the Planning Commission was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

BE IT RESOLVED

Pursuant to **Section 15.2-2286.7** of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby initiate the following amendments the Middlesex County Zoning Ordinance for the purpose of public necessity, convenience, general welfare and good zoning practice to wit:

➤ Section 7-2 Permitted Uses

6. ~~Hunting and fishing Clubs~~

➤ Section 7-3 Special Exceptions

Hunting and fishing Clubs

Firearm sports and training facilities

Shooting range, outdoor

➤ Section 22-2 Definitions

- *Firearm sports and training facilities: The use of land for firing ranges, pistol ranges, sporting clays, trap and skeet shooting ranges, turkey shoots, archery ranges and other for profit or not for profit uses and activities involving discharge of firearms or shooting of missiles. However, nothing in this provision shall be construed to affect any individual's right to hunt on his property or prohibit non-profit hunting activities.*
- *Shooting range, outdoor: The use of land for archery and the discharging of firearms for the purposes of target practice, skeet and trap shooting, mock war games, or temporary competitions, such as a turkey shoot. Excluded from this use type shall be general hunting, and unstructured and non-recurring discharging of firearms on private property with the property owner's permission.*
- *Game preserve: An area of land upon which a fee may be charged for public or private hunting or fishing and/or upon which game or fish are grown or stocked specifically for hunting or fishing thereon, or for transport to other sites for similar purposes. Firearm demonstrations or other programs, which do not involve actual hunting activities, are not permitted.*
- *Hunting club: See "Game preserve".*
- *Hunting: The act of one that hunts, specifically: the pursuit of game, to pursue for food or in sport.*

BAY TRANSIT

Mr. Culley advised the Board of Supervisors that Bay Transit had begun operation of public transportation in Middlesex.

LANDFILL MONITORING

Joanne Linder from Joyce Engineering will be invited to the Board of Supervisors in December to discuss current issues with the landfill. It was suggested that Ms. Linder be invited to attend the meeting during the time that legislators will be meeting with the Board of Supervisors.

JANUARY MEETING DATE

The motion to schedule Wednesday, January 2nd as the annual organization meeting of the Board was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

OTHER BUSINESS

Chairs:

It was requested that prices for new chairs for the Board of Supervisors table be presented at the next meeting.

Business Licenses:

Mr. Culley was instructed to work with the Commissioner of Revenue to further study the potential of establishing businesses licenses in the County.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of consulting with legal counsel regarding current litigation involving the Courthouse, pursuant to §2.2-3711.A.7 of the Code of Virginia, and personnel issues pursuant to Code of Virginia, §2.2-3711.A.1 was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-3711.A.1 and A.7 and 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.

RECESS

The Board of Supervisors meeting recessed until after lunch at which time the Board met outside to walk around properties in the Courthouse area.

RECONVENE

Mr. Williams reconvened the meeting of the Board of Supervisors in the Board Room.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing a personnel issue pursuant to Code of Virginia, §2.2-3711.A.1 was made by Mrs. Weber, seconded by Mr. Miller, and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-3711.A.1 and 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

There being no further business, the meeting was adjourned until November 20, 2001.

Kenneth W. Williams, Chairman
Board of Supervisors