

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, FEBRUARY 19, 2002, 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

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

CALL TO ORDER

Mr. Williams called the meeting to order. The meeting was opened with a prayer. A moment of silence passed in remembrance of Dr. Harold Felton.

PUBLIC HEARING – AMENDMENT TO NO-WAKE ORDINANCE FOR HEALY’S MILL RUN

Mr. Williams opened the public hearing for comments regarding an amendment to the No-Wake Ordinance for Healy’s Mill Run. At the request of the Department of Game and Inland Fisheries, the definition of “no wake” as defined by State Code has been proposed for inclusion in the ordinance. There were no comments from the public and the public portion of the hearing was closed.

The motion to adopt the proposed amendments and reordain the Ordinance was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

*AN ORDINANCE OF MIDDLESEX COUNTY ESTABLISHING
HEALY’S MILL RUN AS A NO WAKE ZONE*

Be it ordained by the Board of Supervisors of the County of Middlesex, Virginia that the Ordinance Establishing Healy’s Mill Run as a No Wake Zone and Providing Penalties for Violation of the Ordinance is hereby adopted as follows:

Section 1

This Ordinance shall be known and may be cited as the Healy’s Mill Run Ordinance.

Section 2

This Ordinance is promulgated pursuant to authority contained in §29.1-744 of the Code of Virginia of 1950, as amended.

Section 3

This Ordinance shall be effective upon its approval by the Commonwealth of Virginia Commission of Game and Inland Fisheries and the erection of appropriate warning signs.

Section 4

All of Healy's Mill Run, a tributary of the Piankatank River in Middlesex County, Virginia, is hereby designated as a no wake zone for boats and other watercraft. As defined in §29.1-700, Code of Virginia, 1950 as amended, "no wake" means operation of a motorboat at the slowest possible speed required to maintain steerage and headway.

Section 5

Property owners along the shores of Healy's Mill Run shall be responsible for constructing and erecting, at their own expense, appropriate warning signs. Such signs shall meet the design criteria of the Commonwealth of Virginia Commission of Game and Inland Fisheries and shall be placed only at locations designated by said Commission.

Section 6

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than fifty dollars (\$50.00) for each such violation.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

	YEA	NAY
<i>Kenneth W. Williams</i>	<i>aye</i>	
<i>Fred S. Crittenden</i>	<i>aye</i>	
<i>John D. Miller, Jr.</i>	<i>aye</i>	
<i>Lenora O. Weber</i>	<i>aye</i>	
<i>Wayne H. Jessie</i>	<i>aye</i>	

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT APPLICATION – ASSEMBLY AND RETREAT FACILITIES

Mr. Culley presented the request of the Planning Commission to define and add "assembly and retreat facilities" as a special exception use in the Low Density Rural District. The proposed definition was given as follows:

ASSEMBLY AND RETREAT FACILITIES: An area including various uses and improvements intended and designed to be used for the assembly and gathering of persons for common purposes, including but not limited to religious activities. Uses and improvements at such a facility may include, but are not limited to, conference and assembly halls, lodging, food service, recreational facilities, and accessory retail sales. All use elements proposed within a given facility or development are intended to work collectively to provide services primarily to those groups and individuals using the facility. Individual uses within the facility, as defined herein, are not intended to operate separate from the facility.

Mr. Williams opened the hearing for comment. Ed Ruark and Walter Harrow, Chairman of a committee from the Virginia Baptist General Association, explained the uses the Association would make of their property in Middlesex County if this amendment and subsequent special exception application was permitted. The Association plans to expand their Camp Piankatank property as a family retreat facility,

offering educational seminars in a residential setting. This would be a private facility, not using any infrastructures or services offered by the County. There being no further comment, the public portion of the hearing was closed. The motion to approve the amendment to the Zoning Ordinance, adding the above definition and listing as a special exception use was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – REZONING APPLICATION 2001-06, CAROL COLLIER, RESIDENTIAL TO CLUSTER DEVELOPMENT

Mr. Culley presented the request to reclassify Tax Map 40-11 and a portion of 40-10 to cluster development for the purpose of clustering seven multi-family residential buildings containing a total of twenty-eight individual dwelling units. At their public hearing, the Planning Commission made a favorable finding concerning the proposed cluster development of the property and has instructed the applicant to submit a more detailed plan based on the proposal. Final action by the Commission is anticipated for their March 14th meeting. Final action by the Board cannot take place until a final recommendation has been received from the Commission.

Mr. Williams opened the public hearing for comments. Jimmy Ward, representing property owners at North End Plantation, commented that concerns addressed to the Commission appeared to have been worked out and requested the Chairman not close the hearing until a final recommendation has been received from the Commission. The Chairman continued the public hearing on this application until such time as the final plan is received for official action.

PUBLIC HEARING – SPECIAL EXCEPTION 2002-01, BARBARA AND DARCY VANAUDENHOVE

Mr. Culley presented a request for the permitting of a second dwelling for an immediate family member to be located on Tax Map Parcel 38-286; a parcel zoned Low Density Rural District, 22.0 acres in size. At their hearing, the Planning Commission recommended unanimous approval of the application in addition to further recommending initiation of an ordinance amendment to the use regulations of the Low Density Rural District to have the permitting of second dwellings for immediate family occupancy use changed for a special exception use to a use permitted by right. It was noted that no special exception permit requests have ever been denied during the permitting history of this use, the Board has never imposed permitting conditions above or beyond what the Ordinance already requires, and there has been no history of violations associated with the permitting of this use. Mr. Williams opened the public hearing for comments; there being no comments, the public portion of the hearing was closed.

The motion to grant Special Exception 2002-01, the permitting of a second family dwelling at Parcel 38-286 was made by Mr. Crittenden, seconded by Mr. Miller

and carried unanimously. There was no action on the Commissions further recommendation of making this an administrative decision.

ACTION – SPECIAL EXCEPTION APPLICATION 2001-05, LARRY GREEN

There being a possible conflict of interest, the Chairman removed himself from the room; Vice Chairman Miller conducted this part of the meeting, announcing that the public portion of the hearing had been closed. Mr. Miller asked Mr. James H. Ward to present the written proffers that had been submitted. Mr. Crittenden noted that the proposed fencing needed to be constructed within 60 days and prior to use of the storage area. It was also agreed that the power to grant and the power to revoke the permit belongs with the Board of Supervisors and not the Board of Zoning Appeals or Zoning Administrator. The motion to permit Special Exception 2001-05 for Green's Equine Supply, with the following conditions was made by Mr. Crittenden and seconded by Mr. Jessie. The motion carried by vote of 3-1-1 (Weber opposed, Williams abstained).

1. *The Special Exception Permit includes those uses permitted in the Village Community Zone as well as special exception for animal feed store.*
2. *The Applicant is restricted to a total of two (2) trailers for storage of animal feed in the location shown on the attached drawing.*
3. *Only incidental outside display of small items for retail sale in the location shown on the attached drawing is permitted. These items will be stored inside during non-business hours.*
4. *The Applicant is permitted to store items for retail sale in that area shown on the attached drawing. Applicant is to construct a solid board wooden fence 6-8 feet in height along two sides of the storage area as depicted on the attached drawing. An appropriate size door shall be permitted on the portion of the fence running parallel with State Route #33. Fencing to be installed within 60 days from the date of approval.*
5. *Any violation of the terms or conditions of this permit shall be investigated and handled as allowed by the Code of Virginia and the Zoning Ordinance of Middlesex County.*
6. *The conditional use permit pertaining to retail sale of animal feed shall be valid for a period of 12 months from date of approval. Said permit shall be extended for an indefinite period of time by the Board of Supervisors of Middlesex County, Virginia if there has been no violation of the Zoning Ordinance by the applicant during the 12 month period, resulting in a revocation of the conditional use permit which is no longer subject to any appeal process.*

MIDDLE PENINSULA-NORTHERN NECK COMMUNITY SERVICES BOARD

Executive Director, Frank Tetrick, requested the Board permit the CSB to lease reduced space, approximately 1985 square feet, at the Puller Center on a month-to-month basis beginning in July. The day program will be moving to Urbanna in July; case management and administrative staff will be moving to space to be rented in Saluda.

The Board concurred with the request and suggested advertising the available space. Mr. Culley noted that the health department may be interested in moving to the Puller Center.

COMMITTEE APPOINTMENTS

There was no action regarding appointments to the Planning Commission or Dragon Run Steering Committee.

SCHOOL BUDGET PRESENTATION

Mr. Elliot Reed, Vice Chairman of the Middlesex County School Board, called the School Board to order. Other members of the School Board present included James Goforth, John Moore, and Elizabeth Hurd; also, Superintendent Michael Myers.

Mr. Myers made a presentation of several graphs, including the following: Standards of Learning (SOL) scores, teacher longevity, and composite index versus teacher salaries. Mr. Myers also presented highlights of the proposed school budget, which included the following:

- 3% raise overall (\$500 for cafeteria workers and bus drivers)
- Budget based on membership of 1292 (current budget based on 1375 with current census of 1317)
- 3 buses (could go with 2 and a new replacement engine)
- Additional local money, \$36,233 (does not include textbooks, debt service, buses or furniture for new construction)
- Furniture for facilities
- Few state funds
- Cut 2 elementary positions (already down two from last year); total no new positions.
- Increase health insurance from \$2060 to \$2500 per employee (was told to expect a 20-30% increase in rate)
- Positions for mechanic and assistant superintendent that have not been filled yet are in the proposed budget.

Board members requested information on the following items:

- Money represented by a 3% increase
- Donation to Jacob's Ladder
- Technology paid services
- Expressed concern for federal and state grants that require maintaining staff.

Mr. Myers noted he would provide the above information and answer any other questions from the Board. The motion to adjourn the School Board was made by Mr. Goforth, seconded by Mr. Moore and carried unanimously.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing potential litigation pursuant to §2.2-3711.A.7 of the Code of Virginia, and consultation with legal counsel pertaining to contracts at the High School, pursuant to §2.2-377.A7 and personnel, pursuant to §2.2-3711.A1 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 §2.2-3711. A.7 and A.1 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

The motion to appoint Mr. Culley as interim Zoning Administrator, Subdivision Agent, Street Name Agent, and Erosion and Subdivision Administrator was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

COUNTY WEB-SITE

Mr. Culley advised the Board that he had been contacted by Ron Courtney who wished to redesign the County's web page to advertise local businesses and services. Rather than Mr. Courtney redesigning the County's information for a fee, Mr. Culley suggested adding a link to a different site that Courtney could design, more appropriate for business use, rather than general government information. The Industrial Development Authority may have funds available to help promote a site.

RECESS MEETING

Mr. Williams scheduled a budget work session to be held on Wednesday, February 20, 2002 at 1:00 P.M.

The motion to recess the meeting to February 20 at 1:00 P.M., in the Board Room was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors