

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 15, 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.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION – 2001-05, RETAIL ANIMAL FEED STORE IN VILLAGE COMMUNITY ZONE

Mr. Williams removed himself from the room, noting his possible conflict of interest because of a family member's interest in the application. Mr. Miller took the Chair and conducted the hearing.

Planning Director, Tim Wilson, presented the application submitted by Mr. Larry Green, Green's Equine Supply, Inc., to permit the sale of animal feed, seed, horse tack and supplies, supplements, other animal products, bagged shavings, store items such as buckets and water tanks, fencing supplies and horse trailers. The request included the outside display and storage of materials and merchandise along the front and entire western boundary of the property and the approval of one additional tractor trailer for a total of two trailers on the property for the operation of the business. The property is located on Route 33, Locust Hill, at Tax Map 28-1-2, 2.5 acres and is zoned Village Community. The property is currently used for a business and single-family residential use. Surrounding land uses are for businesses and single-family residences. The Staff Report included in the Board's information sited an existing zoning violation on the property. The Report also referenced the Comprehensive Plan and suggested inconsistency with the stated purposes and intent of Hamlet-like Development Areas. The Planning Commission, at their meeting on January 10, 2002, recommended unanimous denial of the request.

Mr. Miller opened the hearing for comments from the public. Mr. Green submitted petitions totaling 60 signatures of support for his proposed use of the property. Mr. James Ward was present to represent Mr. Green. Mr. Ward commented that the applicant had tried to reconcile all of the neighbor's concerns and those of the Planning Director. Concerning outside display and storage, Mr. Ward noted that a

precedent had been set in 1991, when Brian Major was allowed to have outside storage of materials for his nursery materials. Mr. Ward presented several proffers being made by Mr. Green, such as erecting a fence to screen the property from the restaurant next door, limiting the number of horse trailers, limiting the number of storage trailers and limiting the amount and type of outside displays of items for sale in front of the store. According to Ward, an offer had been made to the restaurant owner to share the cost of a fence; Mr. Green would also allow the painting of a mural on the restaurant side. Mr. Ward indicated that a meeting had been scheduled to discuss the proposal with the adjoining property however Mr. Taylor did not attend. In addition, Mr. Ward noted that Mr. Green would agree to allow revoking of his permit if after a public hearing it is determined he was not meeting the permit's restrictions and/or Mr. Green would allow 12-month review of the permit.

The following persons all spoke in favor of the application: Judy Carlson, Greg Beechler, Brend Parker, Darcie _____ and Jim Peach, each noting their patronage of the existing business and their desire to see it continue. Larry Green requested the Board's approval.

Adjoining property owner and owner of the restaurant adjoining the property, David Taylor, spoke in response to Mr. Ward's comments. He indicated he did not see any purpose in meeting with Mr. Green and was not interested in splitting the cost of a fence on someone else's property. Mr. Taylor also noted his expectations for enforcement by County staff if the permit is granted. There being no further comments, the public portion of the hearing was closed.

Mrs. Weber questioned whether all the proffers had been made in writing; Mr. Ward responded that they had not. Mrs. Weber also questioned about any plans to expand the current business. Mr. Green responded that the Middlesex store could not support expansion, however, he was looking at sites in Lancaster County to locate an additional store. Mrs. Weber recommended the application be tabled until the next evening meeting, with Mr. Ward to submit Mr. Green's proffers in writing.

Mr. Crittenden commented that Mr. Green could install a fence the entire length of his property, which would block the view of the restaurant from approaching vehicles and encourage being good neighbors. The motion to table action on the application until the February 19th meeting was made by Mr. Jessie, seconded by Mrs. Weber and carried unanimously.

Mr. Williams returned to the room and took the Chair.

ACTION ON REZONING APPLICATION R-2001-07, JOHN DOZIER

Discussion continued regarding the application from John Dozier to rezone Tax Parcels 41-36-6, 7 and 8, a total of 2.91 acres from Residential District to Waterfront Commercial.

Mr. Crittenden noted his belief that Mr. Dozier's use of the property would be tasteful, adding that proffers could be attached to a site plan application for actual use of the property. The motion to approve the request for rezoning was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

AUTHORIZATION TO WITHDRAW CONTRACT

Mr. Culley requested the Board's authorization to withdraw the contract to purchase the property adjoining the Sheriff's Office should it be determined not to be suitable for the County's purposes. This motion was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

STREET SIGNS

The Board considered proposals received for the manufacture and erection of street signs in the County. The specifications for the project included the request that companies bidding on the total project also give a breakdown of each portion of the project – sign manufacturing, sign hardware and installation. Total project costs from the three firms bidding was as follows: Classic Lines - \$199,733.04; TideLand Services - \$93,368.50; Korman Signs - \$89,814.30. There was a minimum cost savings if the project was divided between companies. The motion to accept the bids and approve contracting with Korman Signs for the total project at a cost of \$89,814.30 to be appropriated from the 911 fund, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

STATE PARK

The Board considered a request from Mathews County to endorse legislation to allow a bond referendum to fund a state park and recreation facilities in the Middle Peninsula. This request originally was received from the Middle Peninsula Conservation Coalition, a group that met on December 12th in Mathews County. Mrs. Weber noted that a representative from Middlesex County should be part of the Committee. The motion to endorse the resolution was made by Mrs. Weber and seconded by Mr. Jessie. The motion carried by vote of 4 to 1 (Miller opposed).

**RESOLUTION IN SUPPORT OF LEGISLATION TO ALLOW BOND REFERENDUM TO FUND STATE
PARK AND RECREATION FACILITIES**

WHEREAS, the Middle Peninsula region, including Mathews, Middlesex, Gloucester, Essex, King and Queen, and King William Counties, is distinguished by its extensive Chesapeake Bay coastline, rivers wetlands, woodlands and wildlife habitat; and

WHEREAS, providing access and enjoyment of these natural resources for recreational and educational purposes is an appropriate public objective for local, state and federal government; and

WHEREAS, at the present time, there are no state park properties or related facilities in this region to serve the citizens of the Middle Peninsula and other residents of the Commonwealth unable to have access to this special region; and

WHEREAS, the utilization of bond financing to fund capital projects throughout the Commonwealth in order to establish, protect, and preserve such public parks, natural areas, and recreational facilities is an effective and recognized means to provide such benefits to all citizens of the Commonwealth;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Middlesex County does hereby endorse and support proposals to provide bond financing, subject to a favorable vote of a majority of the qualified voters in the November 5, 2002 general election, for the establishment of a state park and appropriate facilities for recreational, educational, and natural resource protection purposes in the Middle Peninsula as well as elsewhere in Virginia.

APPROPRIATION REQUEST

Mr. Culley presented a request for funding for purchase and installation of a NetClock, a clock used to automatically track and provide extremely accurate timing by synchronizing with up to eight satellites' atomic clocks. This would be used in connection with the County's new radio system and the enhanced 911 system. The engineering firm hired to supervise the radio project did not include the requirement for a net clock in their specifications. The motion to approve the purchase of the clock for \$11,481, appropriating from the following funds was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously: FROM: 3-1-41060-0001, General Fund, \$3,690.00 and 3-9-41060-0001, E-911 Fund Balance, \$3,690.00 TO: 4-1-36090-7001, \$7,380. An existing credit of \$4,101.28 with Motorola will be used to off-set the balance needed.

FINANCING ALTERNATIVES

Mr. Ned Smither, representing Morgan Keegan & Company, Inc., was present to discuss County indebtedness and financing options that could be available. Mr. Smither suggested refinancing the Cooks Corner Office Complex loan and Motorola radio lease and adding that to the package needed for the Courthouse construction and additional committed by the Board for the High School. It was estimated that there would be an estimated \$50,000 in fixed costs (attorney fees, printing, filing) and an underwriting charge of 1% of the loan. The motion to proceed with necessary paperwork was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

COMMITTEE APPOINTMENTS

The Chairman accepted Mrs. Weber's resignation from the Museum Board and appointed Mr. Jessie in her place. Mrs. Weber was named as alternate legislative liaison. The Chairman's appointments are as follows:

WEBER

Sports Complex Operations Committee
Middle Peninsula Regional Jail Authority
Community Policy and Management Team
Director of Emergency Services
Library Board
Rappahannock River Basin Commission (alternate)
Legislative Liaison (alternate)

MILLER

Planning Commission
Dragon Run Steering Committee
Middle Peninsula Community Criminal Justice Board
Disability Services Board

JESSIE

Social Services Board
Airport Committee
Health Department
Museum Board

CRITTENDEN

Airport Committee
Planning District Commission
School Capital Projects Liaison
Social Services Board

WILLIAMS

Planning District Commission
Legislative Liaison
Virginia Association of Counties
Rappahannock River Basin Commission

BUDGET SCHEDULE

Mr. Culley presented a suggested schedule for budget meetings and hearings.

STREET NAME

The motion to approve the addressing for Mrs. Haughton and Mr. Diaz from Locklies Creek Road rather than Masons Cove Lane with the condition that should

either of the properties that connect the two roads be sold, the address for the property fronting on Masons Cove Lane would revert back to Masons Cove Lane.

DISBURSEMENTS

Assistant Administrator, Marcia Jones, presented disbursement requests to pay credit card bills for the Administrator's Office and the Sheriff's Department, these being presented separately as a way to prevent interest from being added to the account. It was noted that receipts supplied with the invoices were incomplete. The motion to approve the disbursements as requested was made by Mr. Crittenden and seconded by Mr. Miller. The motion carried by vote of 4-1 (Weber opposed). Check numbered 40818 for 2,966.80 was disbursed.

RECESS MEETING

It was noted that Mrs. Weber, Mr. Culley, Mr. Soberick and the County's architects would be meeting with Judge Shaw, the attorney representing the Judges, and the State's architect on Friday, January 18th at 10:00. Mr. Crittenden expressed his desire to attend the meeting. Mr. Williams requested the full Board meet on Friday, January 18th, at 1:00 p.m. to discuss the Judge's response to the latest design and to discuss the negotiation of architect fees and construction contingency.

The motion to recess the meeting to January 18th at 1:00 P.M., in the Board Room was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

Kenneth W. Williams, Chairman
Board of Supervisors