

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, OCTOBER 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 at 7:30 P.M. and opened with a prayer.

**PUBLIC HEARING – SIX YEAR SECONDARY IMPROVEMENT PLAN**

Virginia Department of Transportation Resident Engineer, Marcie Parker, presented proposed projects included in the County's Six Year Secondary Improvement Plan: Paved routes 631, 630, 637; Unpaved routes: 686, 650, 615. The total construction budget for FY 04 is \$507,509 and \$66,375 for incidental items, including \$25,375 allocated to the Rural Addition Fund. A reimbursement item of \$40,000 has been included to refund the County for removing the bridge abutments at Hilliard's Mill Pond on Route 602.

Mr. Robert Mannel expressed his comments in favor of proposed improvements to Montgomery Cove Lane, Route 650. Mr. Lane Cox stated that there were other roads in the County that needed improvements more than Route 630. Mr. Williams noted that there would be a meeting with citizens along Route 630 once the design plans were finalized. There being no further comments, the public portion of the hearing was closed.

The motion to approve the Six-Year Plan as presented was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously. The motion to approve the budget for FY 04 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – SPECIAL EXCEPTION 2002-07, RAPPAHANNOCK  
VENTURES, INC.**

Planning Director, Matthew Higgins, presented Special Exception Application 2002-07, submitted by Rappahannock Ventures, Inc., Trading As Douglas Aquatics of the Rivah to add an 8,200 square foot building for retail use at Tax Map 37-120, zoned

Village Community. This property is near the intersection of Route 3 and 33 at Harmony Village. The applicant proposes to use a 8,200 square foot steel building as a warehouse and for retail sales of pools and spas. A site plan submitted with the application indicates an outside display area; entrance to the property would be from Route 33. Mr. Higgins noted the following concerns with the application: traffic – ingress and egress to the property would further complicate traffic concerns at the intersection of Route 33 and 3 and noted that crossing over double lines at the end of the divided highway would constitute an illegal U-turn; outside display of materials is not permitted for retail stores and shops with buildings greater than 5,000 square feet; Comprehensive Plan – “limited low impact commercial activities catering to the most immediate needs of residents” should be located in this area. This business would not cater to the “immediate needs of residents”. The Planning Commission, at its’ meeting on October 10<sup>th</sup>, recommended approval of the application as requested, on a vote of 6 to 2.

Mr. Williams opened the hearing for comments from the public. The owner of the business, Mr. Gill, requested the Board’s approval of the application. Mr. Oscar Barber, owner of the property, questioned the term “illegal” for the U-turn that he said was specifically placed there so that vehicle that missed the turn to Route 3 could turn-around. There being no further comments, the public portion of the hearing was closed.

Mr. Miller commented that the two Commissioners recommending denial were Mr. Harris and Mr. England. Mr. Miller also indicated that day-to-day traffic at this location should not be a problem; this property is located past the entrances to the church.

Mrs. Weber commented that every meeting there are concerns addressed to the Department of Transportation about the Route 3/33 intersection. She reminded the Board that if the building size is approved, there might not always be a business with limited traffic using it.

Mr. Crittenden questioned if there were other alternatives to the location of the entrance on Route 3 and added that the last thing the Board needed to do was to create a bigger problem. He suggested using the site plan application process as a way to help control the entrances.

Mr. Miller made a motion to approve the application as submitted. This motion was seconded by Mr. Jessie and carried by a vote of 4-1, Weber opposed.

**PUBLIC HEARING – ORDINANCE AMENDMENT APPLICATION #2002-06,  
MUSEUM AS SPECIAL EXCEPTION IN RESIDENTIAL DISTRICT**

Mr. Higgins presented Amendment Application #2002-06 to amend Article 9, Section 9-3 of the Zoning Ordinance to include “museum” as a special exception use in the Residential District, submitted by the Deltaville Maritime Museum and Nature Park

Board. Mr. Higgins noted that museums are congruent with the purpose and intensity of uses of the Residential District, however, certain accessory uses of museums, including gift shops and restaurants, can increase the intensity of development. The higher intensity accessory uses could create conflicts with other uses in this District. He added that a definition for museum is not included in the Zoning Ordinance, and should be incorporated as a part of this request.

The Planning Commission, on a 8-0 vote, recommended approval of Ordinance Amendment 2002-06, with the following conditions: (1) incorporate the following language into the listing of museum as a special exception: *“Restaurants shall not be permitted as an accessory use of a museum. Gift shops up to 1,000 square feet in space shall be permitted as an accessory use of a museum.”* (2) add the following definition of “museum” to the Zoning Ordinance: *“An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value.”*

Mr. Williams opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. It was noted that museums had been listed as a permitted use in some districts, but it was never defined. The applicant has also requested that the \$250.00 application fee be waived.

The motion to approve the Ordinance Amendment application as recommended by the Planning Commission and to approve waiving the \$250.00 application fee was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – ORDINANCE AMENDMENT APPLICATION #2002-07,  
COUNTRY INN AS SPECIAL EXCEPTION IN LOW DENSITY RURAL DISTRICT**

Mr. Higgins presented Ordinance Amendment Application #2002-07, an application to amend Article 7, Section 7-3 of the Zoning Ordinance to include “country inn” as a special exception use in the Low Density Rural (LDR) District. This application was submitted by The Inn at Woodstock, LLC, c/o Lenora and John Hoverson. Mr. Higgins commented that country inns are congruent with the purpose and the intensity of uses in the LDR District. Country inns are larger in size and scale than bed and breakfast facilities, but still maintain the rural character of bed and breakfast facilities. He added that limitation must be placed on the number of rooms provided to distinguish these intermediate-size inns from motels/hotels and that a definition of country inn should be incorporated as a part of the request.

At their October 10<sup>th</sup> meeting, the Planning Commission voted 8-0 to recommend approval of the request with the condition that the following definition of “country inn” be added to the Zoning Ordinance: *“A business that offers accommodations and dining in a rural area. Overnight lodging of up to fifteen (15) rooms is available and a full-service restaurant may provide meals to guests and the general public.”*

Mr. Williams opened the hearing for comments from the public. Mrs. Elizabeth Wilkes requested the Board's approval, noting that immediate plans for the Inn at Woodstock were to use four (4) rooms of the house as the inn and to have a 20-25 seat restaurant. Adjoining property owner, John Fleet, commented that the deeds for himself and the owner of the Inn at Woodstock property included restrictions against commercial development. There being no further comments, the public portion of the hearing was closed.

It was noted that deed restrictions are not enforceable by the County. It was also noted that this application would be to add the use and definition of "country inn", and not an application for a country inn at the location of the Inn at Woodstock. It was suggested that the property owners could work out their differences before final action by the Board. The motion to table action on the application until the Board's December 17<sup>th</sup> meeting was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

### **PROPOSED REVISIONS TO ANIMAL CONTROL ORDINANCES**

The Board was presented with proposed changes to the County's Animal Control Ordinance. The Board had previously approved holding a public hearing on amending the ordinances to include civil penalties. The hearing would now be advertised.

### **CONTRACT FOR ENGINEERING SERVICES**

Mr. Culley presented a proposed contract of \$149,900.00 for engineering services from R. Stuart Royer to design the wastewater treatment plant; this price does not include easement plats being furnished (at \$350 per plat) or wetland delineation and archeological review of project sites. It was noted that design for west lines has been removed and only south and east lines included in the design proposal. Mr. Culley was asked to negotiate a lower price with the firm; Mr. Soberick suggested a price of \$100 per plat, and added that sections for arbitration and mediation should be removed.

### **SLUDGE**

In response to more requests for the application of sludge in the County, Board members approved sending the following resolution to the Department of Health and State representatives:

**RESOLUTION**  
**IN OPPOSITION OF LAND APPLICATION OF**  
**BIOSOLIDS IN MIDDLESEX COUNTY**

*WHEREAS, the Middlesex County Board of Supervisors received notification dated September 23, 2002, of an application pending before the Virginia Department of Health to modify VDH Operating*

*Permit VDH BUR 115 by adding new farm sites in the County to which biosolids could be applied; and*

*WHEREAS, the Board of Supervisors has met with representatives of Recyc Systems, Inc. and voiced their opposition to land application of biosolids in Middlesex County; and*

*WHEREAS, the Board of Supervisors requested a public meeting be held to discuss the initial permit application; and*

*WHEREAS, at that meeting the Board of Supervisors learned that there are only two employees of the State that oversee this program; and*

*WHEREAS, the Board and citizens expressed concerns for the safety of County residents and protection of the natural environment and water resources of Middlesex County; and*

*WHEREAS, neither adequate nor detailed answers to the questions regarding protection of the environment were provided nor could compliance with applicable permit requirements be guaranteed with only two inspectors; and*

*WHEREAS, Middlesex County, with a tourist based economy is dependent on the natural resources of the County;*

*NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of Middlesex County continues to express its opposition to the land application of biosolids in Middlesex County due to the lack of personnel or financial resources to monitor and enforce the regulations which at best are questionable at protecting the environment.*

### **EMPLOYEE HEALTH INSURANCE**

The motion to approve remaining with Southern Health for employee health insurance and approving an appropriation of \$15,301.44 to fund the additional cost of increasing the employer share to fully fund the lowest rate (\$266.52) was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Employee representatives from the Department of Social Services thanked the Board for increasing the County contribution.

### **REQUEST TO DENY PAYMENT**

The motion to deny payment of an invoice for \$359.95 to Direct Data Market Research Inc., was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. This invoice was for advertisement not authorized by the County.

### **COURTHOUSE**

Mr. Culley was asked to discuss the possibility of closing Bowden Street to public traffic with VDOT in hopes of reducing costs associated with highway improvements.

**COASTAL MANAGEMENT GRANT**

The motion to accept the Coastal Zone Management Grant received from NOAA was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

**ADJOURN**

Mr. Williams closed the meeting, noting that the Board of Supervisors would reconvene on Wednesday, October 23<sup>rd</sup>, at 6:45 P.M. for a public hearing on the Electric Consumption Tax.

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Kenneth W. Williams, Chairman  
Board of Supervisors