

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 15, 2003, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:**

Present: Kenneth W. Williams, Pinetop District
Wayne Jessie, Sr., Jamaica District
Fred S. Crittenden, Pinetop District
John D. Miller, Jr., Saluda District
Lenora O. Weber, Saluda District

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

CALL TO ORDER

Mrs. Weber called the meeting to order at 7:30 P.M. Rev. Bob Lynch from Zoar Church, Deltaville, was present for the meeting and offered a prayer. Mr. Culley led in the Pledge of Allegiance.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 2003-01, KEEPING OF ANIMAL UNITS IN A RESIDENTIAL ZONE

Planning Director, Matt Higgins, presented Special Exception Application 2003-01, a request for the keeping of animal units (5 horses) at property zoned Residential Use. This application was submitted by Irving and Louise Rogers, for Tax Map 43A-7-41, a 9.52-acre lot in the Mariners Woods Subdivision. A minimum of 1.5 acres per unit (per horse) is required, in addition to the minimum lot size requirement for a Residential District (30,000 square feet), a total minimum requirement of 8.19 acres. Staff expressed their concerns as follows: the applicant would have to establish a permanent residence at this site prior to the keeping of horses at the property and the property is currently located in an established residential neighborhood, so screening must be established and maintained to minimize any impacts of the keeping of horses on abutting properties. The applicant has proposed planting Leyland Cypresses along the front property line and in front of the proposed "run-in" shed as screening. The Planning Commission recommended approval of the application with conditions.

Mrs. Weber opened the hearing for comments. Mr. Irving Rogers, applicant, added that the subdivision covenants for Mariners Woods allow horses. Mr. Rogers also stated that he had no problems with the conditions recommended by the Planning Commission. There being no further comments, the public portion of the hearing was closed.

Mr. Williams questioned if there would be riding on the road or if riding lessons would be given. Mr. Rogers commented that there would be no riding on the road if the

neighbors were not acceptable to it, and there would be no riding lessons or other commercial activity.

The motion to approve the application as submitted, with the following conditions, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

1. No horses shall be kept at the property until such time a single-family dwelling is constructed and residency is established on the property.
2. Any accessory structures (i.e. barn and run-in shed) for the keeping of horses shall not be constructed until after a Zoning and Building Permit has been issued for the construction of a single-family dwelling at this site.
3. The applicant shall develop screening as shown on the proposed site plan to minimize the visual impact of the horses on adjacent properties. All screening shall be planted within the first planting season following the issuance of a certificate of occupancy for the single-family dwelling. The property owner shall be responsible for the perpetual upkeep and maintenance of all screening materials.
4. The applicant shall obtain a Zoning and Building Permit for the single-family dwelling within one (1) year from approval of this application.

VIRGINIA ASSOCIATION OF COUNTIES

Dean Lynch from the Virginia Association of Counties was present to update the Board on activities and services they could provide. Mr. Lynch commented that VACo would continue to push hard for equal taxing power and relaxation of the Dillon Rule. Support for equal taxing came from many different groups, but the general assembly was the block. VACo is gearing up to do a campaign of public service announcement to educate citizens so that they can help lobby the general assembly.

TRACTOR EQUIPMENT

Prices had been obtained for a backhoe and a bucket to fit the County's Kubota tractor. Mr. Culley explained that the maintenance staff did not need a backhoe; this could be rented if needed, however, the bucket could be useful for hauling gravel and dirt, snow removal, and lifting pumps. Mr. Culley explained that a new tractor and five foot mower to replace the John Deere 935 tractor purchased in 1995 was needed more. Prices for comparable models had been obtained from the County's two local vendors: John Deere 1435 from Fleet Brothers - \$14,195.79 and Kubota F2560-R from Middlesex Lawn and Garden - \$13,600.00. After some discussions on the equipment necessary at this time, the motion to approve the purchase of the Kubota tractor and mower for \$13,600.00 was made by Mr. Miller, seconded by Mr. Jessie. This motion carried on a vote of 4-1, with Mrs. Weber opposing and noting that more comparisons of equipment were needed.

NORTH END ROAD

Board members reviewed a request from Will and Bonnie Vest who are interested in purchasing a parcel of land off North End Road in Deltaville that is listed in

the County's tax rolls as being a County property. Mr. Crittenden noted that he had a deed that showed that this landing was not County property. No action was taken on the request at this time and the issue would be researched further.

REQUEST TO WAIVE FEES

The motion to waive the building and zoning permit fees of \$50.50 for a 12' x 12' storage building to be constructed at the Deltaville Ball Park was made by Mr. Williams, seconded by Mr. Miller and carried by a vote of 4-0-1, with Mr. Crittenden abstaining, as he had made the request on behalf of the Deltaville Civic Association.

REQUEST FOR NOMINATIONS

Board members had no suggestions of nominations for the sustainable development award sponsored by the Tidewater Resource Conservation and Development Council.

REQUEST TO USE RAPPAHANNOCK CENTRAL ELEMENTARY PROPERTY

Board members reviewed a letter submitted by Mavis Mangum on behalf of the Garden Club of the Middle Peninsula requesting to use part of the Rappahannock Central Elementary School property for a fund raising event to be held on September 12, 2003. The Club has agreed to pay all expenses incurred and will leave the school in as good if not better condition than before the event. It has been estimated that over 200 people will be attending. The motion to agree to the use of the property by the Garden Club was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 44916 through 44927 totaling \$6,230.69 were disbursed as approved.

COURTHOUSE GENERATOR

Estimates were obtained from Wiley and Wilson, the courthouse architectural firm for different generator options: a generator for the entire building – design \$5,200, generator \$160,000.00; a generator sized for the second floor only – design \$15,400, generator \$80,000.00. It was decided that the generator would not be installed in the building.

REQUEST FOR NO WAKE

Mrs. Weber presented a letter from Randolph Segar requesting the Board's endorsement of his request for No-Wake signage at My Ladies Swamp. The motion to advertise for a public hearing was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

CLOSED SESSION

The motion to convene in closed session regarding personnel issues, pursuant to §2.1-3711.a1 and legal matters, pursuant to §2.1-3711.a7 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, 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 §2.2-3711.A.7 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 Session, there was no action taken.

APPOINTMENTS

No action was taken regarding appointments; this was tabled until the Board's May 6th meeting.

OTHER BUSINESS

Mr. Culley informed the Supervisors that the bids for the regional animal facility had come in at \$790,000.00 and Mr. Culley had advised the King and Queen County Administrator that Middlesex had only budgeted for one-third of a total building cost of \$500,000.00.

Board members agreed that the administrators from King and Queen and King William counties needed to be notified that Middlesex would not be contributing any more than the one-third of \$500,000.00. Mr. Crittenden added that no additional expenses should be incurred that Middlesex County would have to be a part of. The motion was made by Mr. Williams, seconded by Mr. Miller and carried unanimously to send a letter to King and Queen and King William Counties advising them not to incur any more expenses which Middlesex County would have to share.

ADJOURN

The motion to adjourn until the Board's meeting on May 6, 2003, at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Lenora O. Weber, Chair
Board of Supervisors