

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 19, 2003, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:**

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

Charles M. Culley, Jr., County Administrator

CALL TO ORDER

Mrs. Weber called the meeting to order at 7:30 P.M.. Mr. Jessie offered a prayer and Mr. Culley led in the Pledge of Allegiance.

PUBLIC HEARING – OYSTER FESTIVAL ORDINANCE

Mr. Culley explained that the purpose of the ordinance was to extend the limits of the Town into the County during the period of the Oyster Festival, basically the areas people use for parking and are able to walk from into Town. Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Mr. Miller questioned how far off the road the area would cover; Mr. Henkel responded that this would apply only to areas where parking is. It was confirmed that this ordinance would not affect property owners who sell seafood on their own property. Mr. Crittenden questioned the duration of the ordinance, which as originally written did not have an ending date. Mr. Henkel stated that the Committee would like for the approval to be on-going to avoid having to have public hearings every year. Mr. Culley suggested seeing how the ordinance works for one year, then consider adopting for a longer period. The motion to adopt the ordinance, making the duration of the ordinance to only apply to the 2003 Urbanna Oyster Festival was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

***ORDINANCE OF THE COUNTY OF MIDDLESEX AUTHORIZING THE TOWN OF URBANNA
TO APPLY ITS MASTER PLAN TO CERTAIN PORTIONS OF MIDDLESEX COUNTY DURING
OYSTER FESTIVAL WEEKEND***

***BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA THAT
THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:***

Section 1 Intent

It is the intent of the Board of Supervisors of Middlesex County to provide a healthy and safe environment for patrons and visitors at the Urbanna Oyster Festival.

Section 2 **Area**

It is hereby determined and ordained that the Urbanna Oyster Festival Master Plan (Town's Master Plan) shall apply to the following areas of Middlesex County: From the boundary of the Town of Urbanna west along State Route 602 to State Route 684 and: From the boundary of the Town of Urbanna south along State Route 227 to its intersection with Ivy Shore Road.

Section 3 **Application**

Middlesex County landowners in the stated "Area" are governed by the "Policies" of the Town's Master Plan as follows:

1. *Landowners selling their own goods:*

Non-food – must comply with the Town's Master Plan policies and procedures, including making application and Service Mark compliance. All Town and Foundation fees are waived for landowners.

Food – same as above, including compliance with Health Department temporary restaurant permitting procedures. Landowners must pay related Health Department fee(s).

2. *Landowners leasing space to non-owner vendors, with or without compensation – vendors must comply with Town's Master Plan policies and procedures, including payment of all Town, Foundation and Health Department fees.*

Section 4 **Duration**

This ordinance shall be in affect during the 2003 Urbanna Oyster Festival from 8:30 a.m. on Friday until 6:00 p.m on Saturday.

Section 5 **Exclusions**

Provisions of this ordinance do not apply to parking.

Section 6 **Enforcement**

This ordinance may be enforced by the Town or County Sheriff or deputies, State Police or any authorized official of the Oyster Festival.

Section 7 **Violation**

A violation of this ordinance shall be a class III misdemeanor and shall be punishable by a fine of up to Five Hundred Dollars (\$500.00). Each days violation shall constitute a separate offense.

Section 8 **Severability**

Should any provision or portion of this ordinance be determined by a court of competent jurisdiction to be unenforceable or held invalid, such portion or provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Adopted this 19th day of August, 2003.

This ordinance shall be effected upon adoption.

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

PUBLIC HEARING – SPECIAL EXCEPTION 2003-03, MANUFACTURED HOME IN VILLAGE COMMUNITY ZONING DISTRICT

Matthew Higgins, Planning Director, presented the Special Exception Request to replace an existing manufactured home with a newer one on property, Tax Map 9-28, that is in a Village Community Zoning District. Surrounding property uses are single-family residences and agriculture. The Planning Commission recommended conditional approval of the application. Mrs. Weber opened the hearing for comments from the public; there being no comments, the public portion of the hearing was closed. The motion to approve the application with the following conditions as recommended by the Commission was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously: (1) the manufactured home shall be replaced within six (6) months of the Board of Supervisors approval; (2) surety of \$500.00 shall be collected for the replacement of the manufactured home prior to the issuance of a Building and Zoning Permit; (3) the replacement manufactured home shall be nineteen (19) feet or greater in width and placed on a permanent foundation.

PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 2003-06

Matthew Higgins, Planning Director, presented additional information regarding a portion of Zoning Ordinance Amendment Application 2003-06. At their meeting on July 15th, the Board of Supervisors voted to increase the open space from 10% to 30% for multi-family, condominium and townhouse developments. Also discussed, but not voted on was a request to increase the minimum distance between multi-family, condominium and townhouse development units. This portion of the application was submitted to the County's emergency services committee for discussion and their comments. The Committee recommended increasing the distance to 60 feet between single-story buildings and adding five (5) feet for each additional building story. For example, if there is one single story building and one two-story building, the distance between would be 65 feet; if there are two two-story buildings, the distance between would be 70 feet. Mr. Higgins indicated that the Planning Staff and the Planning Commission all concurred with the recommendation of the emergency services committee.

Mrs. Weber opened the hearing for comments; there being none, the public portion of the hearing was closed. Board members thanked the emergency services committee for their excellent suggestion and expressed their appreciation for their participation. Mrs. Weber noted that the committee had stated their appreciation for being included in the process. Mr. Higgins commented that the committee had also been extremely helpful with comments on site plans. The motion to approve Ordinance

Amendment 2003-06 as recommended by the emergency services committee was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements numbered 45980 through 46001 and totaling \$395,967.92 was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

STREET NAME REQUEST

Board members considered the request for a new street name submitted by homeowners in the Wake area. The motion to approve the number one choice of Chomper Point was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

UPDATE ON SCHOOL CONSTRUCTION PROJECTS

Mr. John Moore explained that the construction phase of the schools projects was complete and the projects were now in the warranty phase. The warranty on the elementary school expires September 2, 2003; on the high school – March 5, 2004. Mr. Moore questioned whether the Board of Supervisors wanted him to remain in charge during this phase of the projects, noting that the School Board prefers that they be in charge and that actual construction is complete.

Mr. Moore presented several issues still outstanding including a fuel pump at the high school that was installed per the design, however, it runs all the time and has already been replaced once. A proposal has been submitted for \$8,000.00 to install pans to collect fuel that could be released if a pipe develops a leak and the pump continues to work; this would not eliminate the fact that the design is not a good one. Mr. Moore noted that to date he has withheld \$25,000 from the architects fee due to an estimated \$54,817.00 in design errors at the high school. Mr. Moore questioned whether he was to continue to be the Board of Supervisors representative with these issues. Other issues of concern were as follows: standing water at the elementary school which is in part a design problem and in part because of playground construction; the contractor will share in the expense to install French drains. The contractor will also take care of installing additional riprap. Soil has been stockpiled on the ball field at the high school and needs to be spread, however the Superintendent has indicated that the field layout is also going to be changed. Construction of the new high school parking lot was due to be completed August 15, however this has been delayed because of weather. On the east side of the High School, the School Board has entered a lease agreement with the Sibley's to construct another parking lot; this area needs to be graded and stone put down; a price will be obtained from C. W. Davis, the contractor doing the main lot. It was discovered that the wrong size sprinkler

heads were installed at the elementary school; the contractor will remove and install the correct ones at no additional cost.

According to Mr. Moore, the School Board has taken the position that the Superintendent of Schools is the Owner's representative, however, Mr. Moore questioned who the owner of the buildings is. The County's attorney, Mr. Soberick, commented that a School Board representative signed the contract for construction and although the Board of Supervisors provided the funds for construction, the School Board needed to handle the issues and notify the Board of Supervisors as to how they are handling them. According to Mr. Soberick, the Board of Supervisors does not have the standing to file for corrections of any warranty issues.

Mr. Crittenden noted that with the St. Clare Walker project, the School Board did not recognize the construction problems that were occurring and added that it was very important that warranties be upheld. Mrs. Weber questioned why the Board should remove Mr. Moore as their representative when he has been working with the issues. Mr. Soberick indicated that the School Board still needed to be involved.

Mr. Crittenden suggested that the County Administrator and County Attorney should meet with the School Board's representatives to insure that all remaining warranty/construction issues are handled legally and correctly. Mrs. Weber commented that she agreed but the school board did not wish to meet with the Board of Supervisors to discuss the matter. Mr. Soberick suggested meeting with the superintendent on August 28th to discuss and resolve the issues. Mr. Moore reminded the Board that there were some issues that could not wait, including the Sibley parking area and standing water issue that the School Board has agreed needs to be done. The Board agreed that Mr. Moore should continue to protect the interests of the Board with regard to completing the construction projects at the schools. The motion for Mr. Moore to proceed with the Sibley parking area and with handling the standing water issue and requesting the county administrator and attorney meet with school representatives and their attorney as soon as possible was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

OTHER BUSINESS

Middlesex Museum

The Middlesex Museum has requested use of the cafeteria at Rappahannock Central Elementary for a fund raiser event to be held on November 15th. The Museum is planning on hosting a historical theatrical group for a performance that evening. Mr. Culley reminded the Board that utilities have been shut off to all parts of the old facility. Mr. Culley was asked to contact the Museum to advise them that the facility would not be available.

YMCA

Mr. Soberick informed the Board that he had done a preliminary review of the lease proposed by the YMCA attorney and had sent it back to him with comments, including those requirements expressed by the Board at their June 17, 2003 meeting.

Surplus Material at Rappahannock Central Elementary

In further discussions with Rev. Sutherlin of Lebanon Church, Rev. Sutherlin has indicated that they still want the trailers that the church purchased from the schools and have requested additional time to have them removed, at least the double-unit. Rev. Sutherlin understood that the units must be moved or the County would have them removed. Mr. Culley advised that he met on the site with the fire chief and burning is not a valid option. Board members agreed that there was no other option but to have the units demolished and removed and that it was to be taken care of prior to the beginning of the school year, including the Church units if necessary.

High School - Firewall

Mr. Culley stated that he did not know the amount of the bids received for construction of the firewall at the high school, however the estimate was \$40,000.00. Mrs. Weber stated that she would not approve for the construction funds to come from the Board's account.

VACo Region 2 Meeting

Assistant Administrator Marcia Jones requested a budget of \$1,000.00 to be used to purchase materials to be given away at the Virginia Association of Counties Region 2 meeting in October, to be hosted by Middlesex County at the Steamboat Grill, Piankatank Golf Club. The motion to appropriate funds of \$1,000.00 was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

ADJOURN

The motion to adjourn until the Board's meeting on September 2, 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