

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 18, 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
Michael T. Soberick, County Attorney

CALL TO ORDER

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

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION #2003-04, ALLEN DUBEAU

Planning Director Matthew Higgins presented Special Exception Application #2003-04, submitted by Allen M. Dubeau, requesting approval of a special exception for a repair garage on property zoned Low Density Rural, located at 11768 General Puller Highway, Tax Map Parcels 38-9-1 and 38-83. This application was submitted after Mr. Dubeau was sent a notice of zoning violation for operating a repair garage without a special exception. The application indicates that it would be a one-man operation, with no employees. Mr. Higgins noted that while the intended use is consistent with the future land use element of the Comprehensive Plan by being a commercial activity in a medium to low-density area of Transitional development commercial, there were concerns with the application. Mr. Higgins expressed concern for a potentially negative visual impact on the character of the neighborhood, as the existing structures to be used for the business are highly visible from adjoining properties and General Puller Highway. Also, minimal impact to adjoining properties from dust, noise and/or fumes are expected from the application as submitted, however, if the scale of the operation is increased, then the potential impacts would also increase.

Mr. Higgins recommended approval of the application with the following conditions: (1) the proposed use must be adequately screened from General Puller Highway with fencing or trees. The Planning Director must approve a screening plan for the site by December 31, 2003; (2) no signage related to the business shall be located on site; (3) no outside display or storage of goods, equipment or materials used in connection to the business shall be permitted outside of screened areas designated for the business; (4) no more than five (5) vehicles related to the business could be stored on site at one time. The Planning Commission heard the application

on December 11 and recommended denial of the application by a vote of 8-2. A screening diagram has been submitted by the applicant.

Mrs. Weber opened the hearing for comments from the public. Mr. Dallas Thomas, Mrs. Selma Thomas, Mr. John Blake and Mrs. Joyce Russell all voiced opposition to the application. According to Mrs. Thomas, real estate agents have said that pursuing this application would reduce their property values by \$25,000.00. Mr. Blake indicated that within a two-mile radius of this application, there are four other businesses of this type. Adjoining property owners also questioned why the request was increased to eight (8) vehicles at the Planning Commission meeting. Mrs. Kim DuBeau stated that three (3) personal vehicles were included in the request for eight vehicles to be on the property. There being no further comments the public portion of the hearing was closed.

Mr. Williams commented that a petition had been received from more than 20 people who were opposed to the application, who did not feel this was an appropriate use for this residential neighborhood. If approved, Mr. Williams questioned how this type of use could be stopped from moving down General Puller Highway. Other Board members had similar comments. Each application would be handled on a case-by-case basis. The motion to deny the request was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

REZONING APPLICATION #2003-05, PAUL A. WIEDEMANN

Mr. Higgins presented Application #2003-05, an application to rezone approximately 8.32 acres from Low Density Rural to Residential, with proffers. This property is located on Brandon Point Road, Tax Map 28B-3-6 and 28B-3-8 and has properties zoned Low Density Rural and Residential bordering it. The purpose of the rezoning is to enable the creation of five lots from two parcels. The applicant has proffered the following: Lot 8 would be divided into three lots of approximately .96 acres in size, with all lots served by and front on Brandon Point Road. Homes built on these lots would be in the range of 2500 square feet. The southern part of Lot 6 between Route 619 and Brandon Point Road would be divided into two lots of approximately one acre each. Each lot would face Brandon Point Road and would also have houses in the range of 2500 square feet. These lot sizes would fit the character of the area.

Mrs. Weber opened the public hearing for comment. There being no public comments, the hearing was closed. Mr. Crittenden noted that if approved, the owner would be able to create six lots rather than the two or three he would be allowed to have now. Mr. Culley noted that the owner of this property does not have development costs of road building or infrastructure that would normally be considered. The motion to approve the application as submitted with proffers, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

REZONING APPLICATION #2003-07, MARK I LIMITED C/O WILLIAM J. BALL

Mr. Higgins presented an application requesting rezoning of approximately 52.39 acres from Conservation to Low Density Rural, with proffers. This property is comprised of three parcels, Tax Maps 18-10, lots 1, 2, and 3, which were created by written deed in 1902. In 1994, a plat was drawn which showed the lots and also a 50 foot easement of right of way to the property. Rezoning of the property is requested to allow for residential development with the proffers that the property cannot be further subdivided and that no more than one residence is allowed per lot.

Mrs. Weber opened the hearing for comments. Mr. Alex Dillard, representing Mr. Ball, also explained the request, adding that as a former owner, neither he nor Mr. Ball were aware that the property could not be used for residential development. There being no further comment, the public portion of the hearing was closed.

The motion to approve the request as proffered, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

Mrs. Weber noted that the Planning Commission should address restricting properties from being removed from the Conservation District.

PUBLIC HEARING – SITE PLAN APPLICATION #2003-14

Mr. Higgins presented a site plan application on behalf of the Board of Supervisors for installation of a wastewater treatment facility to be located at Tax Map 26B-1-84. This facility will serve the Courthouse Complex and the new courthouse currently under construction on Bowden Street. Mr. Higgins presented a landscaping plan that included installing several new trees as screening and leaving an existing older tree on the corner.

Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. With regard to planting additional trees at the back of the property, Mr. Culley noted that there are currently some trees on the adjoining property. The back portion of the property has a steep slope and Mr. Culley noted that he wanted to keep the property as easy to maintain as possible. Lighting will be low level.

The motion to approve the application was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

SCHOOL MATTERS

Firewall:

Mrs. Cynthia Pitts, Acting Superintendent, was present to update the Board of Supervisors on the status of the firewall at the high school. Mrs. Pitts reported that the

School Board, on December 10th, voted to approve the spending of up to \$2,500.00 for architectural and engineering drawings of the revised firewall location; these drawings will be submitted to the Building Official for his approval. The School Board has also approved the transfer of \$25,000.00 from instruction to pay for the work and has requested that the Board of Supervisors put forth the remaining \$28,700.00 needed in order to issue a contract. Mrs. Pitts noted that the instruction category has some additional funds at present, due to positions not being filled at the beginning of the school year, however, there were still vacant positions and heating and air conditioning bills at the high school are coming in higher than anticipated. Those issues could be addressed later, however, the firewall work must commence on or before December 31st. It is proposed that the work begin on December 20th, with completion by January 5, 2004, when the kids return to school. Mr. Culley noted that there is a possibility that the \$2,500.00 will not have to be paid for the drawings, as he had spoken with one of the principals of the architectural firm about the high cost of the original proposal.

Mr. Crittenden expressed his concern that quotes and references have been verbal and that written verification is necessary. Mrs. Pitts verified that the quote for the firewall has been submitted in writing along with references. The School Board's attorney has approved the issuance of an emergency contract. The motion to approve the transfer of \$28,700 from the surplus equipment sale category as the Board of Supervisors' contribution, was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously. Mrs. Pitts noted that the substantial completion date for the air conditioning project in the gymnasium is March 1, 2004.

East Wing:

As something to think about, Mrs. Pitts advised the Board that the School Board, on a motion by Mr. Moore, seconded by Mr. Goforth, has voted to study a phased plan for a 3-5 year renovation/replacement of the east wing, and has allotted \$10,000 for the study.

School Attorney:

Mrs. Weber questioned the use of a School Board Attorney. Mrs. Pitts responded that the School Board has an attorney on retainer who is paid an hourly fee, however, she uses the free services of the Virginia School Board Association attorney whenever possible.

Documents:

Mrs. Weber questioned the resolution presented to the School Board requesting the return of documents to the Central Office. Mrs. Pitts commented that the resolution was not directed at any specific Board member, but rather requested that any original documents in the possession of any School Board member be returned to the Central Office so that project files could be complete; Board members may keep any copies of documents, but the originals are to be stored in the Central Office. Mrs. Weber added that she hoped that tax-payer money was not used to write up the resolution.

Superintendent's Search:

Mrs. Pitts commented that \$5,000.00 has been paid to the Virginia School Board Association for their assistance in the superintendent's search. This is a service that the Association does not provide for free.

Transfer of Funds:

The motion to approve the transfer of \$25,000.00 from instruction to capital outlay for the construction of the firewall was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements dated December 16, 2003, was made by Mr. Jessie, seconded by Mr. Williams and carried unanimously. Checks numbered 47165 through 47175 totaling \$433,784.43 were disbursed as approved.

HEALTH DEPARTMENT REQUEST

The motion to approve the Health Department's request to use a portion of Rappahannock Central Elementary for the temporary storage of documents was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

CHANGE ORDER – COURTHOUSE PROJECT

Mr. Culley presented a change order request in the amount of \$7,087.00, to add re-circulating pumps to circulate hot water from the basement to the restrooms on the first and second floors of the new courthouse.. This is something that is normally installed at construction, but was probably cut from the final plans in order to save costs on the building. In the current plan, with hot water coming from the basement, it could take several minutes for water hot enough to use to reach the second floor, wasting time and water.

Board members requested that other options be visited, such as installing small hot water heaters in the bathrooms or in-line heaters. No further action was taken at this time.

CHANGE ORDER – SYDNOR

The Committee of Lee Weber, Michael Soberick and Mr. Culley met with representatives of Sydnor and VDOT on December 9th. Sydnor has proposed to have their own soil borings done, which they hope will show that the soils were not suitable for backfill. Mr. Soberick had suggested that Sydnor deduct the cost of the borings

from the amount requested from the Board, which has been done, and recommended that the Board pay this amount, \$9,774.62. As noted by Mr. Soberick, this is much less than the \$28,000.00 that the Board could have been required to pay if the entire fill was replaced with gravel, rather than a smaller amount of gravel and thicker asphalt.

The motion to pay the \$9,774.62 as recommended by the County Attorney was made by Mr. Jessie, seconded by Mr. Williams and carried by a vote of 4-1 (Crittenden opposed).

CHARTER

Mr. Culley advised the Board that there are only three counties in the State that are chartered, and they are areas that have more commercial activities.

RABIES CLINIC

The motion to charge the same fee of \$3.00 per rabies shot for the clinic on January 10th was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

ADJOURN

The motion to adjourn until the Board's organizational meeting on Tuesday, January 6, 2004, at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Lenora O. Weber, Chair
Board of Supervisors