

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JUNE 17, 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 – NO WAKE ORDINANCE – MOORE’S CREEK

Mr. Culley presented the proposed No Wake Ordinance for Moore’s Creek, drafted at the request of the Moore’s Creek Channel Association. Mrs. Weber opened the hearing for public comments. Mr. Jerry Lester, representing the Bland Point Homeowner’s Association, expressed this endorsement of the ordinance. He noted that the channel had been dredged as a private endeavor and small children are in the creek and that endorsement of the request was made as a matter of safety and preserving the shoreline from erosion. Gordon White, Arthur Smith and Jim Wright also spoke in favor of the request. There being no further comments, the public portion of the hearing was closed.

Mr. Williams noted that the creek definitely had problems with erosion and because of the dredging they could expect more traffic. The motion to adopt a No Wake Ordinance for Moore’s Creek was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. It was noted that signs are to be maintained by the applicants and enforcement is by the Department of Game and Inland Fisheries and the Virginia Marine Resources Commission.

PUBLIC HEARING – REZONING APPLICATION 2003-04, CHARLES REVERE

Matthew Higgins, Planning Director, presented Rezoning Application 2003-04, an application submitted by Charles Revere to reclassify a 1.309-acre portion of Tax Map 38-54B from Low Density Rural zoning district to General Business zoning district, to expand an existing General Business zoned area. This property would be incorporated into the current Revere Gas facility for fenced vehicle storage resulting from expansion and security requirements.

Mrs. Weber opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. Mr. Crittenden made a motion to approve the rezoning application as submitted. This motion was seconded by Mr. Jessie and carried unanimously. Mr. Williams noted that this application was brought on by Homeland Security initiatives.

PUBLIC HEARING – ORDINANCE AMENDMENT 2003-03

Mr. Higgins requested the Board table the public hearing on this application; the Planning Commission had deferred making a recommendation on the application when presented at their June 12th hearing. The motion to table the hearing for rescheduling after action by the Planning Commission, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – ORDINANCE AMENDMENT 2003-04

Mr. Higgins introduced Ordinance Amendment Application 2003-04, an application submitted by the Planning Commission requesting changes to the Zoning Ordinance, Article 17A, Section 17A-21 to require a community impact statement and traffic impact statement for all major site plans consisting of twenty-five (25) or more dwelling units. This application stems from a recent application submitted to the Planning Commission; currently applicants are not required to calculate the impact of their development on the County. This amendment would require that all applicants for major site plan review who are proposing to develop twenty-five (25) or more dwelling units calculate impacts to the following: County schools, population, County services, fiscal impact on the County budget and traffic. This additional information from developers would provide the Planning Commission and the Board of Supervisors with enhanced information to make decisions regarding proposed developments. The Planning Commission recommended approval of the amendment, however, increased the number of dwelling units requiring the impact statement to fifty (50). The Virginia Department of Transportation (VDOT) has since requested additional language to give the Planning Director the ability to request a traffic impact statement if the development is for less than 50 units, but appears that it will impact traffic and to add a requirement for current and future level of service with a 20-year projection.

Mrs. Weber opened the public hearing for comments. John Coe requested a re-reading of the additions requested by VDOT. John England presented his endorsement of the application, noting that this would be another tool to use for long-term planning for all County services. There being no further comments the public portion of the hearing was closed.

Mr. Williams commented that sometimes only a few units can have more impact and suggested that language be added giving the Planning Director the ability to request a community impact statement as well as traffic impact statement for smaller

developments. There was some discussion of the minimum number of units that would automatically make it a requirement, with supervisors suggesting that the number be put back to the original 25 as proposed. Mr. Williams commented that this could be a way to protect the County, its services and green spaces without putting the County in a financial bind. The motion to approve the application as originally proposed, requiring community and traffic impact statements for multi-family developments or subdivisions of 25 units or more, requiring current and future level of service with a 20 year projection, and giving the planning director the ability to request community and traffic impact statements if there appears there may be impact, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – ORDINANCE AMENDMENT 2003-05

Mr. Higgins presented Ordinance Amendment Application 2003-05, an application submitted by the Planning Commission requesting changes to establish Article 17D, Multi-Family, Condominium and Townhouse Developments and to amend related definitions in Article 22, Definitions. The purpose of this amendment is to establish design standards for the creation of multi-family, condominium and townhouse developments. Currently, the Zoning Ordinance does not contain any design standards for this type of development. This amendment would specifically create standards regarding streets, central water and sewer systems, minimum distance between buildings, open space, parking, frontage, pedestrian circulation and sidewalks, provision of underground utilities, central storm sewer systems and the location of recreational vehicles and fire hydrants. The Planning Commission unanimously recommended approval of the application.

Mrs. Weber opened the hearing for comments from the public. Mr. John England stated that he and the Commission were definitely in support of the application. Currently there are no standards for this type of development outside of the cluster development district; this will put more control on development. There being no further comments, the public portion of the hearing was closed.

Mr. Crittenden commented that the requirement for 10% open space is too small, adding that developments should be made the best they can be. Mr. Higgins commented that he believed the Commission would be in support of increasing that requirement, however he had used the existing cluster development district requirements and proposed them county-wide as a beginning. As increasing the open space requirement would require another public hearing, Mr. Soberick suggested the Board adopt the amendment as proposed and then make further revisions later. Mr. Miller also suggested more attention to increasing the distance between buildings. The motion to adopt Amendment 2003-05 as proposed with the condition that at a minimum the green space requirement and spaces between buildings be reviewed, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

YMCA

Bob Henkel and Carolyn Schmalenberger, representing the YMCA Founder's Committee, presented a formal request to lease the media center at Wilton Elementary School. The group requested a vote be made so that they could continue to raise funds. Mr. Henkel and Mrs. Schmalenberger had met previously with Mr. Culley and Mrs. Weber to discuss the terms of the agreement and understood that the Board was more in favor of leasing for a lesser term.

Mr. Miller noted that the Board could not include an option for the YMCA to purchase the property. Mr. Williams questioned the use of the ball field that was located on the property along with his desire that something be included in the lease that would allow the little league continued use of the field. Mrs. Schmalenberger stated that that should not be a problem. There was much discussion between Board members as to the term of the lease, with Mr. Miller and Mrs. Weber in favor of a two (2) year lease with the option to renew for one (1) year. Mrs. Weber noted that this may motivate the group to raise money faster so they can get their own building. Mr. Williams and Mr. Crittenden favored increasing the first term to at least three (3) years with an option to renew, noting that the group was already motivated. Mr. Jessie stated that he would not be in favor of leasing the property for five years, but would agree to a two-year lease with the option to renew for one year. Mr. Jessie noted that he knew that the Committee was looking at property closer to the schools and he hoped that the YMCA would be able to move to a location more centrally located soon; population will not always be in the lower end of the County.

Mrs. Schmalenberger commented that the Committee recognized that the location would be best nearer the schools, however, that may not be possible. The Chairs of the Committee also stated that a five year lease would be optimum, however in trying to make this a win-win situation they would settle for less to get it started. Mr. Crittenden commented that he had heard the County missed an opportunity for getting Rappahannock General Hospital to locate here because the Board would not cooperate and told other Board members that this was the chance to cooperate. The Committee has committed to doing all the maintenance and the property will be more valuable. Other Board members were reminded that they could not predict what the next Board of Supervisors would do when it came time to renew the lease, therefore, a two-year lease with option to renew really only gave the YMCA two years.

Mr. Miller discussed information he had received regarding the soil conditions at the site, which a soil scientist had tested for the school system and said were bad. Mr. Henkel commented that he had discussed the issue with the Sanitarian Supervisor for the Health Department, Bill Perry, who did not believe there would any problem because the YMCA would not put any more burden on the system than the school did. A new health permit would be required to be put in the YMCA name. It was suggested that additional language be added to the lease that would give the YMCA an out if the septic and water systems did not pass. Part of the renovations the YMCA planned to make would be to separate this building from the main building, eliminating the need to

have the main building heated. Conditional approval of the lease was requested so the group could continue working.

After discussing the term of the lease more, Mr. Jessie commented that he was negotiable on the length. The issue of the monthly lease payment was discussed and agreed that the amount should be between \$350.00 and \$500.00 per month. The motion to approve entering into a lease agreement for a three year term with the option to renew for one year, at a monthly lease payment of \$350.00 beginning after receipt of an approved septic permit and water test, and requiring that the ball field be left for use by the Little League, was made by Mr. Crittenden, seconded by Mr. Williams and carried by a vote of four to one (4-1, Miller opposed).

POLICE SERVICES AGREEMENT

The motion to approve the Police Services Agreement between the County and Town of Urbanna for FY 04 was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously.

ACCOUNTING OF HIGH SCHOOL PROJECT EXPENSES

Mr. John M. Moore, School Board member and project manager for the school construction projects presented an accounting of the elementary and high school construction projects. According to Mr. Moore, approximately \$205,039.14 is remaining in the account. Mr. Moore suggested retaining these funds in the school system account for use on projects approved by the School Board and the Board of Supervisors. Some money may be necessary for change orders at the high school parking lot project.

Board members thanked Mr. Moore for his dedication and work with managing these projects. Mr. Williams commented on the precedent set by Middlesex County for using this method to finance school construction. Dr. Shores thanked the Board of Supervisors for allowing the school system to utilize the interest from the bond proceeds to help pay for the projects. Dr. Shores said that the School Board would prepare a "wish list" of projects that the left-over funds could be used for. Mr. Crittenden suggested repair to the roof at St. Clare Walker.

Other Projects:

Superintendent Myers advised that bids on the gymnasium project are due July 11, 2003.

PLUMBING REHABILITATION GRANT FUNDS

The motion to keep Bay Aging as the agent for receipt of plumbing rehabilitation grant funds was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

MAINTENANCE DEPARTMENT VEHICLE

Mr. Culley requested the Board's authorization to lease/purchase a 2003 GMC $\frac{3}{4}$ ton truck with a utility rack and tow package for the maintenance department. The purchase price of the truck is \$21,809.72, financed for four years, at \$503.00 per month, with purchase at the end of the term for \$1.00. Monthly payments for the vehicle have been included in the FY 04 budget. Mr. Williams commented that the Board should hold on to the money and added that he would be voting against the purchase. Mr. Crittenden suggested purchasing a used vehicle rather than new. After much discussion the motion to purchase the new vehicle at the state contract price with extras as noted was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

INTERNET PROVIDER

The Internet provider used by the County Offices has been sold to another company that will be closing off the connection used in Richmond. Mr. Culley has found another provider, Network Virginia, that can work with the existing internet circuit, however a new router is necessary which can either be purchased and programmed for \$6,834.30 or leased for three years for \$254.23 per month; Mr. Culley recommended purchasing the equipment. The motion to purchase the new router and to enter a three-year contract with Network Virginia, at \$500.00 per month for the service, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

BOARD OF ZONING APPEALS APPOINTMENT

The motion to recommend Joan Curtis be appointed to represent the Saluda District on the Board of Zoning Appeals for a term beginning May 1, 2003 – April 30, 2008, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. It was noted that Mrs. Curtis has already received certification from the continuing education program of Virginia Tech. This recommendation will be submitted to the Circuit Court for appointment.

DISBURSEMENTS

The motion to approve disbursements dated June 17, 2003, was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. Checks numbered 45430 through 45529, totaling \$50,464.63 were disbursed as approved.

CLOSED SESSION

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

Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Williams 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 as 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.

ADJOURN

The motion to adjourn until the Board's meeting on July 1, 2003, at 9:00 A.M. was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

Lenora O. Weber, Chair
Board of Supervisors