

**AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 20, 2003, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:**

Present: 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

Absent: Kenneth W. Williams, Pinetop District

CALL TO ORDER

Mrs. Weber called the meeting to order at 7:30 P.M., noting that Mr. Williams was absent due to a death in his family. Mrs. Weber offered a prayer and Mr. Culley led in the Pledge of Allegiance.

PUBLIC HEARING – NO WAKE ORDINANCE – MY LADY’S SWAMP

Mr. Culley presented the proposed No Wake Ordinance for My Lady’s Swamp, drafted at the request of J. Randolph Segar. Mrs. Weber opened the hearing for public comments. Richard Willis, an adjoining property owner, commented that the designation of a No Wake Zone in the adjoining Healy’s Mill Run has been very effective and hoped it would also work in this area. There being no further comments, the public portion of the hearing was closed.

The motion to adopt a No Wake Ordinance for My Lady’s Swamp was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously. It was noted that signs are to be maintained by the applicant and enforcement is by the Department of Game and Inland Fisheries and the Virginia Marine Resources Commission.

PUBLIC HEARING – REZONING APPLICATION 2003-02, AL HUNT T/A CHESAPEAKE COVE MARINA

Matthew Higgins, Planning Director, presented Rezoning Application 2003-02, an application submitted by Al Hunt T/A Chesapeake Cove Marina to reclassify a .766 acre portion of Tax Map 44-122B from Residential zoning district to Waterfront Commercial zoning district. This property is currently vacant and abuts a marina to the north. This property would be incorporated into the current Chesapeake Cove Marina facility for use as boat storage. Water-dependent commercial uses and single-family dwellings surround the property. The Planning Commission voted 11-0 to recommend 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. Mr. Crittenden commented on the neat and attractive nature of the current marina and made a motion to approve the application. The motion was seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING REZONING APPLICATION 2003-03, CROWN MARINE, INC.

Mr. Higgins introduced Rezoning Application 2003-03, submitted by Crown Marine, Inc., to reclassify Tax Map 41-54 parcels 19, 20 and 21 from the Village Community zoning district to the General Business zoning district. This property currently has a single-family dwelling that was burned on site; surrounding land uses are used car sales, auto-related uses and single-family dwellings. The property is located outside of any area designated for planned development. The contract purchaser, Crown Marine, Inc., currently operates a boat fabrication and repair business in Deltaville. The intent of the rezoning would be to move this existing business to a new facility at this location. According to Mr. Higgins, this proposed use of the property would be compatible with other existing land uses at the location and impact would be minimal. Staff and the Planning Commission recommended approval of the application, with it noted that the Major Site Plan review, which would be required prior to any new construction on the property, would address screening, landscaping, parking and other site-specific issues.

Mrs. Weber opened the public hearing for comments. Bubbie Crown commented that he anticipated this being a clean business and planned on leaving some of the trees. There being no further comments, the public portion of the hearing was closed. Mr. Crittenden commented on the need for Board site review of this application. The motion to approve the rezoning subject to review and approval of the site plan by the Planning Commission and Board of Supervisors was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2003-02, C. BEN LENNON

Mr. Higgins introduced Special Exception Application 2003-02, an application submitted by Dr. C. Ben Lennon, contract purchaser, for a professional occupation (dental office) to be located at Tax Map 40-30, a 5.0 acre parcel, zoned Low Density Rural. Single-family residences and agricultural uses currently surround this parcel. Because of the location, staff recommended that the applicant develop a ten foot wide landscaped buffer strip along the western, northern and eastern boundary of the property to minimize visual impacts of the proposed business. The Planning Commission recommended approval of the application with this recommendation along with a requirement for Major Site Plan review.

Mrs. Weber opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mr. Crittenden noted that the closest residents to the property had informed him that they were not opposed to the

application as long as property screening was provided. The motion to approve the application with the following conditions was made by Mr. Crittenden, seconded by Mr. Miller and carried unanimously: 1. Review and approval of a Major Site Plan by the Planning Commission and Board of Supervisors, and, 2. The applicant shall develop a ten foot wide landscaped buffer strip along the western, northern and eastern boundary of the property to minimize visual impacts of the proposed business on abutters.

PUBLIC HEARING – ORDINANCE AMENDMENT 2003-01, SITE PLAN REVIEW

Mr. Higgins presented Ordinance Amendment Application 2003-01, an application submitted by the Planning Commission requesting changes to Site Plan requirements within the Zoning Ordinance. Proposed amendments would add Section 17B: Landscaping and Buffering Requirements, to provide guidance on landscaping for site plans; add Section 17C: Lighting Requirements, to provide guidance on lighting for site plans; add Section 17A-20, regarding residential and rural home occupations; adding a section for Emergency Services Personnel Review; adding clarification of uses exempt from site plan review and those requiring major/minor site plan review; and a reduction in the number of plans required for minor site plan review.

Mrs. Weber opened the public hearing for comments on the application. Mr. John Coe commented that the landscaping requirements need to be as strict as they can be, along with strict lighting and strict control on the number of entrances and parking to control the effect of strip malls. There being no further comments, the public portion of the hearing was closed. Mrs. Weber commented that these amendments will help the applicant and will also help staff by having requirements for both. The motion to approve the amendments as recommended by the Planning Commission was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

PUBLIC HEARING – ORDINANCE AMENDMENT 2003-02, ANIMAL UNIT

Mr. Higgins presented Ordinance Amendment application 2003-02, a request to revise sections of the Zoning Ordinance dealing with “animal unit”. The proposed amendment is to include “keeping of horses for noncommercial purposes” as a special exception use and to remove “animal unit” as a special exception use in Section 9, Residential (R) District of the Middlesex County Zoning Ordinance. The ordinance amendment also establishes minimum criteria for the keeping of horses for noncommercial purposes in the R District. This ordinance amendment would limit the types of animals permitted in the R District by special exception to horses and would eliminate all other types of animals permitted. The Planning Commission recommended approval of the amendments as proposed.

Mrs. Weber opened the hearing for comments from the public. There being none, the public portion of the hearing was closed. The motion to adopt the amendment as proposed was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

AIRPORT MATTERS

Robert Crump, Chairman of the Airport Committee, presented the Committee's Six (6) Year Airport Capital Improvement Program (ACIP) request to be made to the Department of Aviation. Projects included in the first year request for funding were site preparation for T-Hanger project at \$12,500, and a ground communication outlet at \$6,850. If approved, funding for both of these projects would be 80% refunded by the State. Site preparation for the T-hangars is the first step on this project; the hangars cannot receive any state funding unless the site preparation/engineering is performed first.

Mr. Crump informed the Board that the Airport Committee worked together to come up with potential projects for the next six-year period and prioritized them according to most needed; the plan is revised every year. This is only a guideline for the State, helping them budget for the next six years.

Mr. Miller questioned the security plan for the airport. Mr. Crump informed the Board that the Sheriff's Department has been working vigorously on security in the County, including keeping an eye on the airport. The Sheriff's Department and State Police have been asked to assist with performing a security audit. After completion of the audit, the committee can come up with a checklist of items that can be worked on. There is a potential for State funding if Hummel can be used as a model airport for airport security planning.

The motion to approve projects listed for fiscal year 2004, Year One, the Site Preparation and Ground Communication Outlet, and authorizing the appropriation of County funds if State funding becomes available was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

PUMP AND HAUL CONTRACT

Board members reviewed the following bids received to provide pump and haul services for the County during construction of the new courthouse and sewage treatment facility: Church View Septic Service, 10 cents per gallon; Long's Septic, 10 cents per gallon; Britt Septic Tank Service, 10 cents per gallon; Brownley's Septic Service, 12 cents per gallon. The motion to contract with Church View Septic Service at 10 cents per gallon was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

WATERLINE EXTENSION

Mr. Culley explained that Syndor had tried to obtain the right-of-way from owners of property on the north side of Route 17, but had been unsuccessful. The Department of Transportation has approved placement of the waterline down the south side of Route 17, under the pavement, rather than in the sidewalk area, which would have required replacement of the sidewalk. This addendum, which requires a heavier

pipe, adds \$16,046.15 to the project, making the total project cost \$195,882.19. The overall project cost should be less because sidewalk replacement cost had been estimated at \$45,000.00. The Department of Transportation has the repaving of this area in their maintenance plan for 2004.

The motion to approve the addendum of \$16,046.15 was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve the disbursements as presented was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 45177 through 45191 totaling \$26,358.33 were disbursed as approved.

BIKE PATH

Mr. Culley informed the Board that the bike path for Deltaville was on the proposed six-year plan for highway improvements; final approval of the plan would be some time before July 1st. The project as proposed would require the acquisition of right of way, rather than road improvements to widen and remark.

ENHANCED 911

Enhanced 911 became active as of May 9, 2003.

TIDEWATER RESOURCE CONSERVATION AND DEVELOPMENT

Board members were reminded of the Tidewater R C and D bi-annual dinner scheduled for May 27, 2003.

ADJOURN

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