

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. Crittenden offered a prayer and Mr. Culley led in the Pledge of Allegiance.

PUBLIC HEARING – REZONING APPLICATION 2003-06, FAIRFIELD FARMS C/O JOHN FLEET

Planning Director Matthew Higgins presented Rezoning Application 2003-06, submitted by Fairfield Farms c/o John Fleet, to rezone 29 acres, a portion of Tax Map 37-48, from Low Density Rural district to the Residential district, with proffers. This property is currently a portion of the Piankatank Golf Course and the intent of the request is to expand the Landing subdivision by creating approximately twenty-three new lots for residential development, including up to eight lots that would potentially be used for duplex housing. The property is located between the Landing subdivision and Piankatank Shores subdivision, both zoned Residential. Proffers have been submitted to establish the following: permanent open space and common area, a berm with plantings to minimize visual impact from Stormont Road (State Route 629) and the utilization of the restrictive covenants of the Landing, including minimum living space requirements. Soil testing has confirmed the availability of water and sewer for each of the proposed lots, and if necessary, provisions will be made to establish a central water system. Traffic impact is expected to be minimal. The entrance to the housing development will be 0.5 miles on Route 629 from Route 707, with two exits that access to Route 33.

Mrs. Weber opened the public hearing for comments. Mr. Dan Downs of Canton Drive, Healy's Mill Subdivision, thanked the Board of Supervisors for raising Route 629 improvements in the six-year improvement plan and added that hopefully that would make travel on Route 629 a little safer. The area for improvement is west of the proposed project and the project should not have much more of an impact. Mr. Downs added that Mr. Fleet has always done a good job with his developments.

There being no further comment, the public portion of the hearing was closed. All Board members expressed their appreciation for the proposed development, adding that it was a great improvement to the County and tax base and a good way of using land that normally would not be used. The motion to approve the rezoning of a portion of Tax Map 37-48, as recommended, and accepting the proffers that were offered, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

Mr. Fleet thanked the Board for their decision and confidence shown in the Company and thanked Mr. Downs for his comments.

ORDINANCE AMENDMENT 2003-08 – CHESAPEAKE BAY PRESERVATION DISTRICT REGULATIONS

Mr. Higgins presented additional amendments to the Chesapeake Bay Preservation District requirements within the Zoning Ordinance, which are being required by the Chesapeake Bay Local Assistance Department (CBLAD). The County had adopted several changes in November 2002 in order to meet a December CBLAD deadline. However, in April 2003, CBLAD notified the County that additional changes were required, the most restrictive of which will dictate that no trees can “automatically” be removed from the Resource Protection Area (RPA) buffer, but can only be removed upon approval of staff in the following situations: creation of site lines and vistas; creation of paths; removal of dead, diseased or dying trees or noxious weeds; or shoreline erosion projects. District regulations previously included in the Zoning Ordinance allowed for the automatic removal of any trees less than 4” in diameter within the RPA buffer so that scrub trees could be removed without permitting. This will no longer be allowed.

Mrs. Weber opened the public hearing for comments; there being no comments the public portion of the hearing was closed. Board members commented that there was no choice in the matter as the State was dictating these land use practices and was doing so without providing monetary assistance to enforce their regulations. The motion to approve the amendments as required was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

INDUSTRIAL DEVELOPMENT AUTHORITY – WASTEWATER TREATMENT PROJECT

Mr. Claude “Buck” Boyd and Mr. Bob Gary were present, representing the Industrial Development Authority, and Mr. William Randall present, representing the engineering firm of R. Stuart Royer, to give an update regarding the proposed wastewater treatment facility. Contracts and letters of credit are being held for three businesses to the east that have committed to being on the system; also VDOT will come on line, along with the Courthouse Complex. According to Mr. Boyd, the latest estimates are that the total plant costs will be \$880,060.00, broken down by plant cost of \$771,000.00 and collection cost of \$109,060.00. Of the \$771,000.00, the County

has agreed to make an initial contribution of \$400,000.00 to the system and the IDA, a \$57,000 contribution to the system; the remaining share (\$314,000.00) will be divided between the six users of the system, including the IDA, which is buying into 67% (\$210,444) of the plant costs. The collection system costs are also divided between the users. The IDA's contribution will allow the system to be constructed to the south, running the line to the area of the Riverside Convalescent Center; the IDA will also fund the initial \$20,050.00 collection cost for this location, as it is believed that the Center will come on line upon construction. This does not include the cost of a pump that will be required to bring the Center on-line. Mr. Boyd noted that it is believed that there is other business interest toward the South, but that they are in a "wait and see" mode, these businesses will not receive a break if they come in at a later date. Total funds committed by the IDA are \$287,494.00 broken down as follows: \$57,000.00, IDA contribution to plant costs; \$210,444.00, additional plant capacity (67%); and \$20,050.00, excess collection system costs. According to Mr. Gary, the IDA has been approved for two loans in the amount of \$300,000.00 each to help fund the project and will have adequate cash flow to repay them.

It is anticipated that the project will receive final approvals from the Department of Environmental Quality in January and can be advertised with bids received in February and construction to start in March. Project completion and plant start-up is anticipated for December 8, 2004.

Board members thanked the IDA representatives for their hard work in getting this project on board.

REGIONAL REASSESSMENT

Discussion continued from the evening meeting regarding participation in a bid process for regional reassessment. Some concerns have been expressed about the additional costs of the software package that the County is currently using and the new construction assessment proposal, however, these costs would be determined after the project is put out to bid. Essex and Mathews Counties have voted to participate; King and Queen County was not interested because they are on a six-year rather than a four-year cycle, and Gloucester is waiting to see if Middlesex will be participating.

Board members noted that there are fewer and fewer firms that are bidding on reassessments. It is hoped that by doing a regional assessment, the County will get a better quality product by having using a firm that is familiar with the area. Mr. Soberick noted that after the project is bid, the Board should be able to withdraw before contracts are signed. The motion to participate in the bidding process was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 46597 through 46698 totaling \$176,316.05 would be disbursed as approved.

LIQUID SIDING

Mr. Culley presented a proposal submitted by Procraft Coatings to apply liquid final siding to the soffit and fascia (except under gutters) of the Courthouse and Woodward Building for a price of \$19,380.00. This price does not include the cost to rent a boom nor an estimated \$3,000.00 to take off all storm grids and apply the coating. The company includes a 25-year warranty on the product. Board members requested written recommendations from citizens and businesses in the area that had used this method and this company.

NEW BUSINESS

Appointment:

Matthew Fleet is currently serving on the Tidewater Resource and Development Board with a term due to expire December 31, 2003. Mrs. Weber asked Board members to consider re-appointment of Mr. Fleet or replacement.

Department of Environmental Quality:

Assistant Administrator Marcia Jones announced that Karen Sizemore of the Department of Environmental Quality will be attending a special meeting of the Planning District Commission and the Virginia Peninsulas Public Service Authority on December 5th, at 11:00 A.M., at the Cooks Corner Office Complex, to discuss landfill regulations.

School Construction Projects:

Mr. Crittenden advised the Board members that the contractor and architect were to meet and resolve their differences within a ten-day period and if not worked out the School Board was going to intervene. According to Mr. Crittenden, three days following this decision, the contractor and architect met with one member of the School Board and Mrs. Pitts, the Assistant Superintendent. At the School Board meeting on November 17th, the School Board discussed the \$130-\$140,000.00 being withheld from the contractor and the \$32,000.00 being withheld from the architect. Mr. Moore agreed that he would take the task of finalizing the projects back on, but would do it on his own, without Mr. Shores or Mrs. Pitts and would have it ready to present to the School Board and to the Board of Supervisors. Mr. Moore is also looking into a sewage leak at the High School that has been going on for approximately three days without anything being done about it.

Mr. Jessie added that Mr. Moore recommended the release of \$50,000.00 to the contractor, which was unanimously approved by the School Board.

Mrs. Weber expressed her relief that the School Board is going to allow Mr. Moore to finalize the projects and also her appreciation to Mr. Crittenden for acting as liaison.

Urbanna Christmas Parade:

Mr. Jessie and Mr. Miller both committed to being a part of the Urbanna Christmas Parade on December 5th, at 7:00 P.M.

ADJOURN

The motion to adjourn until the Board's meeting on Tuesday, December 2, 2003, at 9:00 A.M. was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

Lenora O. Weber, Chair
Board of Supervisors