

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 20, 2004 IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Absent: John D. Miller, Jr., Saluda 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.. and requested a moment of silence in memory of Gloria Brooks, Emergency Dispatcher with the County for approximately 20 years. Mrs. Weber followed with a prayer and Mr. Culley led the pledge.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION #2003-06 MICHAEL AND SHARON TULLOS

Planning Director Matthew Higgins commented that the Planning Commission had conducted a public hearing on this application on January 8, 2004, however they took no action because there were questions that could not be answered at the meeting. Mrs. Weber recommended that the Board's hearing be postponed until after the Planning Commission could make its recommendation.

PUBLIC HEARING – AMENDMENT OF FEE ORDINANCE

Mr. Higgins presented recommendations to amend the fee ordinance because of the impact of recent revisions to the County's Chesapeake Bay Preservation District Ordinance. Proposed changes would increase the required fee for a CBPA Exception from \$50 to \$250 to reflect that all CBPA Exception requests require a public hearing and must be heard by the Board of Zoning Appeals. The additional fee would cover the cost of advertising and property owner notifications. In addition, a fee of \$50 would be established for three new permits required by changes to the District Ordinance – Land Development Permit, Nonconforming Use Waiver and RPA Modification Permit. As part of these permits, staff must review a Water Quality Impact Assessment for any of these types of development that exceed 2,500 square feet of land disturbance. This fee would cover the increased amount of staff time spent on reviewing these applications due to the increase in the stringency of review requirements. Also

proposed is the establishment of “after-the-fact” fees for Erosion and Sediment Control and Chesapeake Bay Preservation (DBP) District permits. This fee would mirror provisions established for Building Permit fees, where all applicable fees would be doubled for permits obtained after work has already commenced. Unpermitted clearance within the County has been a significant issue for staff in 2002 and 2003.

Mrs. Weber opened the public hearing for comments. There being none, the public portion of the hearing was closed. Mr. Williams and Mr. Crittenden both commented that these regulations were created by State agencies. Mr. Jessie commented that the fees are designed to cover the costs of mailing and advertising. The motion to approve the fee changes was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously.

FEE ORDINANCE
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT
MIDDLESEX COUNTY, VIRGINIA

As Amended January 20, 2004

<u>SERVICE</u>	<u>FEE</u>
<i>Zoning Applications</i>	
Appeal to Board of Zoning Appeals.....	\$250.00
CBPA Exceptions.....	\$250.00
CBPA Land Development Permit	\$50.00
CBPA Nonconforming Use Waiver	\$50.00
Major Site Plan Review.....	\$250.00
Minor Site Plan Review	\$100.00
Rezoning	\$250.00 + \$5 per acre
RPA Modification Permit	\$50.00
Site Plan Amendments.....	\$100.00
Special Exception Application.....	\$250.00
Variance	\$250.00
Variance – Administrative (*)	\$50.00
Zoning Ordinance Amendment.....	\$250.00
Zoning Permit.....	\$25.00
Zoning Permit – After the fact	\$150.00

(*) In the event consideration of the variance must be transferred to the Board of Zoning Appeals, an additional fee of \$200.00 is required.

(**) Whenever work has begun in the Resource Protection Area (RPA) prior to issuance of a permit, all CBPA or RPA fees shall be doubled.

Subdivision Applications

Lot Line Vacation	\$10.00 + \$1.00 per line
Major Subdivision Review.....	\$250.00
Minor Subdivision Review	\$50.00 + \$5.00 per lot

Erosion and Sediment Control Applications

Land Disturbing Permit	\$50.00 first acre + \$100.00 each add'l acre.
Agreement in Lieu of a Plan.....	\$25.00

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Wetland Applications

Application Review.....	\$25.00
Permit (Hearing Required).....	\$150.00
Commercial Permit (Hearing Required).....	\$250.00
After the Fact Permit.....	\$550.00

Building Applications

Minimum Permit Fee.....	\$25.00
Commercial Construction.....	\$.10 per sq. ft.
Useable Area Under Roof:.....	\$.10 per sq. ft.
(dwellings, modulars, living space)	
Basement.....	\$.10 per sq. ft.
Unfinished, habitable attics.....	no charge
Unattached garage, sheds, porches,.....	\$.10 per sq. ft.
Carports, storage buildings	
Decks.....	\$.10 per sq. ft.
Mobile Homes.....	\$.10 per sq. ft.
Unfinished basements.....	\$.10 per sq. ft.
Pole shed.....	\$.10 per sq. ft.
Remodeling, alterations, structures not listed.....	\$10.00 per \$1,000
Signs.....	\$25.00 minimum; \$.05 per sq. ft.
Chimney, fireplace, heaters.....	\$10.00 per \$1,000
Fences, where required by Zoning Ordinance.....	\$10.00 per \$1,000
Bulkheads, jetties, piers.....	\$10.00 per \$1,000
Boathouses.....	\$.10 per sq. ft.
Pools.....	\$10.00 per \$1,000
Relocation fee.....	\$.10 per sq. ft.
Demolition fee.....	\$25.00
Reinspection fee.....	\$25.00

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Plumbing Permit Application

Minimum Permit fee.....	\$25.00
Per fixture.....	\$5.00 each

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Mechanical Permit Application

Minimum Permit fee.....	\$25.00
Heat pumps, furnace, etc.....	\$10.00 per \$1,000
Water, oil, commercial tanks.....	\$10.00 per \$1,000

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Electrical Permit Application

Minimum Permit Fee.....	\$25.00
Service panel.....	\$.25 per amp

Electrical heat.....	\$1.00 per K.W.
Outlet, switches.....	\$10.00 per every 10 or part thereof
Fixtures (lights, misc. not listed).....	\$10.00 per every 10 or part thereof
Temporary pole.....	\$25.00
Reconnect fee.....	\$25.00
Relocate.....	\$25.00
Motors.....	\$2.00
Air Handler.....	\$2.00
Range.....	\$2.00
Water Heater.....	\$2.00
Other Circuits.....	\$2.00

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Amusement Devices

Kiddie.....	\$10.00
Major.....	\$20.00
Spectacular.....	\$40.00

(*) Whenever work has begun prior to issuance of a permit, the fee shall be doubled.

Other Department Fees and Charges

Copies:

Comprehensive Plan.....	\$20.00
Erosion and Sediment Control Ordinance.....	\$5.00
Subdivision Ordinance.....	\$5.00
Wetlands Zoning Ordinance.....	\$5.00
Zoning Ordinance.....	\$15.00
Individual copies.....	\$.25 per page
Tax Maps.....	\$.50 per page

- Church worship facilities shall be exempt from the development and construction permit fees of this Ordinance.
- School facilities construction utilizing school maintenance personnel or volunteer labor shall be exempt from the development and construction permit fees of this Ordinance.
- Permit application fees are nonrefundable regardless of whether the permit application is approved, denied or withdrawn once submitted.

This ordinance shall be effective immediately upon adoption.

PUBLIC COMMENT HEARING – ENDORSEMENT OF HOUSE BILL 695

Mrs. Weber gave rules for conducting the public comment period, including time limits for speaking. The Board invited public comments regarding proposed legislation, House Bill 695, which would allow localities to adopt legislation to regulate personal watercraft, such as jet skis.

Mr. Randolph Segar, representing the Izaak Walton League and himself, spoke in support of this legislation, which would allow the Board of Supervisors to restrict jet skis from entering specific creeks. Mr. Segar addressed the pollution aspect, stating

that up to one-third of the fuel from a 2-cycle engine goes into the water, also the number of accidents that occur, and the damage to private property. Mr. Segar also stated that the locality would have the principal responsibility for enforcement, but he believed that it could be enforced at no extra expense. Mr. Segar also commented that the number of people impacted would be small. The following also offered comments: Kerry Robusto – erosion and disruption of wildlife; Alana Courtney – fragility of the Dragon Run and inability of people to sit outside and enjoy their own property; Mary Ann Willis – endorsed by the Pipe-N-Tree Commons Community, Board of Directors of the Dragon Run and Mrs. Louise Gray; went through the no-wake procedure, but signs are ignored and ineffective; John M. Dew, III – the 4-cycle engine is more sensitive to the environment; existing laws cannot be enforced; Cheryl Minnick – enforce what is currently on the books; Doug McMinn – more enforcement is needed, but adopt something that will effect everybody, not just the small creeks; Jan vanZyl – Get the public involved to help get registration numbers of violators; Bobby Wilson – sometimes more damage can be done with a boat; have had problems with kayakers leaving trash; is everyone going to be stopped; Raynell Smith – power should rest with the locality because it is a local issue; provide funding for enforcement; Carl Hawkins – irresponsible owners; worried about over regulating; if adopted, how do jet ski owners on impacted creeks leave to get to an unimpacted body of water; Jack Dozier – do not think banning is the answer; setting a speed limit may solve the problem, such as 6-8 miles per hour within 300 feet of shoreline.; Bob Walker – regulate speed and action of all boats, not just jet skis, which would also allow them to leave the smaller creeks for the open water; Josh Dean – there are not enough public boat ramps to restrict jet ski users from the creeks; there may be some other way to handle the problems, as lake “owners” have already been dealing with it; Frances Chenoweth – this legislation only allows the locality to create its own ordinance; a lot more work will have to go into it; Richard Willis – favored resolution.

There being no further comments, the public portion of the hearing was closed. Mr. Williams commented that while he did not like to take rights away from others, it appeared that a majority of the problems were with others, people that did not live in the County. Mr. Williams agreed that the County needed to look out for landowners whose property is being damaged or unable to be enjoyed, however, he did not know why the General Assembly would want to introduce a bill when there is no funding to back it up. Mr. Williams encouraged the public to attend hearings before the General Assembly and their committees.

Mr. Culley noted that the big problem will be with regulating an ordinance of the type that could be proposed, especially if an adjoining county that shares a body of water does not participate.

Mrs. Weber commented that she liked the speed limit idea, but the enforcement is not there. These are State waters and she commented that the State should be the one to provide the help.

Mr. Crittenden commented that if the legislation passes, then the County would have a lot of work to do to come up with something workable.

Mrs. Weber questioned Mr. Segar as to whether or not he had discussed the issue with other localities. Mr. Segar responded that he had not, but had been discussing it with legislators. He added that he believed the only way to make it work would be to prohibit an area altogether. Alana Courtney added that at least the tiny areas should be banned.

Mr. Soberick commented that enforcement of any ordinance would be difficult and that territorial limits would have to be defined.

Mrs. Weber commented that she had no problem with adopting an endorsement because the endorsement does not do anything to impact citizens; there is nothing to lose. The motion to adopt an endorsement of House Bill 695 was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

BUDGET SCHEDULE

The motion to adopt the following budget schedule, subject to change, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

February 3	Afternoon Work Session
February 17	School Budget Presentation
March 2	Last Work Session; advertisement must be sent to newspaper
March 16	Budget Public Hearing
April 6	Budget Adoption

DISBURSEMENTS

The motion to approve disbursements dated January 20, 2004, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 47396 through 47439 totaling \$87,180.41 were disbursed as approved.

APPROPRIATIONS

Sports Complex Lighting: FROM: 3-1-41060-0001, \$91,300, TO: 4-1-10010-7026, \$91,300 for Phase II of the Sports Complex Lighting Project. The County must pay everything up-front. The Board had agreed previously to contribute \$30,000 to this project; State funds will reimburse \$62,000.00, and the Sports Complex Committee will reimburse anything remaining. Motion to approve by Mr. Crittenden, second by Mr. Jessie; motion carried unanimously.

Refund on Office Supplies: FROM: 3-1-18030-0001, \$287.00, TO: 4-1-31020-5401, \$287.00 for refund on office supplies that were returned. Motion to approve by Mr. Jessie; second by Mr. Williams; motion carried unanimously.

Vehicle Reimbursement: FROM: 3-1-18030-0001, \$4,316.00, TO: 4-1-31020-7005, \$4,316.00. The final lease payment on one of the Sheriff's vehicles was overpaid to Ford Motor Company and they have returned the payment. Motion to approve by Mr. Crittenden; second by Mr. Jessie; motion carried unanimously.

COPY MACHINE

Assistant Administrator, Marcia Jones, presented the Board with information regarding the need to replace the current copy machine, which has a monthly maintenance bill of \$346.50. The machine is approximately seven (7) years old, and breaks down weekly. A new, digital machine can be leased for an additional \$2.48 per month, which includes a \$1,400.00 trade-in on the current machine. The new machine has the technology to allow it to interface with the computer network. The current budget includes \$4,000.00 to lease a new copier. The motion to approve leasing the new machine and appropriating funds to cover the additional cost was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

APPOINTMENTS

Mrs. Weber announced committee appointments for the current year. These appointments were the same as last year, with the following exceptions: Mr. Williams will be an alternate on the Middle Peninsula Regional Security Center Board, and Mr. Jessie will take Mrs. Weber's place on the Oyster Festival Board. Mrs. Jones will become the voting member and Mr. Culley the alternate on the VPPSA Board and the Juvenile Detention Board.

- WEBER

Sports Complex Operations Committee
Middle Peninsula Regional Jail Authority
Community Policy and Management Team
Director of Emergency Services

Planning Commission
Rappahannock River Basin Commission
(alternate)
Legislative Liaison (alternate)

- CRITTENDEN

Airport Committee
Social Services Board

School Capital Projects Liaison

- MILLER

Library Board
Dragon Run Steering Committee
Middle Peninsula Community Criminal Justice
Board

Disability Services Board
Planning District Commission
Tidewater Resource Conservation and
Development

- WILLIAMS

Planning District Commission

Legislative Liaison

Virginia Association of Counties
Rappahannock River Basin Commission

Middle Peninsula Regional Jail Board
(Alternate)

- JESSIE

Social Services Board
Airport Committee
Health Department

Museum Board
Sports Complex Commission
Oyster Festival Foundation

HIGH SCHOOL PROJECT

Mr. Crittenden advised the Board that the problem with the fuel at the High School had been fixed.

ADJOURN

The motion to adjourn until Tuesday, February 3, 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