

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JANUARY 18, 2005, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: Fred S. Crittenden, Pinetop District
Lenora O. Weber, Saluda District
John D. Miller, Jr., Saluda District
Kenneth W. Williams, Pinetop District

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

Absent: Wayne Jessie, Sr., Jamaica District

CALL TO ORDER

Mr. Crittenden called the meeting to order at 7:30 P.M. and Mr. Miller gave a prayer. Mr. Culley led the group in the Pledge of Allegiance. Mr. Crittenden announced that Mr. Jessie would be absent from the meeting due to a death in his family.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 2004-14, WILLIAM AND BONNIE WRIGHT

Planning Director, Matthew Higgins, presented the application, a request for special exception to allow the replacement of a manufactured home with another manufactured home at Tax Map 29-91A, a 3.0 ac parcel zoned Village Community. Zoning regulations allow for a special exception for replacement, as long as the replacement is a minimum of 19 feet wide and meets other requirements.

Mr. Higgins advised that this application came about after it was observed that the applicants had moved a single-wide unit, less than 19 feet wide, as the replacement onto the property without obtaining any permits.. Letters of violation were sent to the property owners for attempting to complete the replacement without zoning or building permits which also would have required that a special exception application be made, although the replacement unit would not meet the current requirements. The applicants submitted the permit applications as soon as the violation notices were received; action on those permits is dependent on the outcome of the special exception application.

Mr. Higgins recommended approval of the special exception by the Planning Commission, with conditions that would match the requirements of the Zoning Ordinance, including meeting the minimum width requirement and payment of “after-the-fact” application fees. The Planning Commission recommended denial of the application. Mr. Crittenden opened the hearing for comments from the public; there being no comments the public portion was closed. Mr. Williams commented that there

were many people in living in single-wide manufactured homes that needed to upgrade their living conditions. An upgrade should not mean that they also have to make it larger. The larger replacement is only a requirement in the Village Community Zone where manufactured homes are not allowed by right. Board members discussed amending the Zoning Ordinance to allow for replacement manufactured homes by special exception in a Village Community Zone without the width requirement. Mr. Soberick advised the Board that they could defer action on this application, adopt a zoning amendment waiving the width requirement, then take action as they wished. There was a question regarding the cost of the "after-the-fact" fees. The building permit for this application will be doubled the normal cost and the zoning fee will increase from \$25.00 to \$150. These after-the-fact fees will still be required on this application because there was no action by the owner to make application prior to moving the replacement home onto the property. The motion to defer action on Special Exception Application 2004-14 was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 2004-15, LINWOOD WALDEN

Mr. Higgins presented application SP-2004-15, an application for special exception approval to allow the replacement of manufactured home with another manufactured home at property known as Tax Map 40-263B, a 1.0 acre parcel on Irmas Lane, Deltaville. This is also a case where the applicant was attempting to replace the existing home with another single-wide manufactured home without obtain necessary permits. Several letters of violation were sent to the owner. The home that is proposed for location at the site does not meet the minimum requirement for replacement in a Village Community Zone. Staff had recommended approval of the application as long as all requirements could be met, including the width requirement; the Planning Commission recommended denial.

Mr. Crittenden opened the public hearing for comments. John England, Chairman of the Planning Commission commented that if the Board was considering reducing the width requirement for replacement manufactured homes, then it needed to be done for all districts that allow them, not just Village Community. There being no further comments, the public portion of the hearing was closed.

Mr. Williams commented that he had visited this site and the location of the previous application and both replacement homes would be improvements to the property. Mr. Williams moved, seconded by Mr. Miller, that action on this application be tabled. This motion carried unanimously.

A motion was made by Mr. Miller and seconded by Mr. Williams to direct the Planning Commission to initiate a Zoning Ordinance Amendment that would allow for a replacement manufactured home less than 19 feet wide by Special Exception in the Village Community District. This motion carried unanimously. There are to be no

changes proposed for the width requirements for manufactured homes in the Residential District.

PUBLIC HEARING – REZONING APPLICATION 2004-10 PIANKATANK FIVE, LLC

Mr. Higgins presented an application for rezoning of a 6.8 parcel from Low Density Rural to Residential, this being a portion of Tax Map 37-48 that would allow the creation of an additional 6 lots as part of The Landings Subdivision. According to the applicant, this application is an extension of Rezoning Application 2003-06, where 29 acres of this property was rezoned to accommodate an additional 23 residential lots within the Subdivision. The northern 3.975 acres of this current request was intended to originally be a part of the previous application, but was unintentionally left out of the request. The southern portion of the current request is proposed for an additional three lots. The entire 35.8-acre area was part of the proposed subdivision application that was submitted. The additional 6.8 parcels proposed for rezoning with the current application would be used for additional single-family dwellings and multi-family units.

Mr. Higgins had recommended approval of the application to the Planning Commission pending submission of a proffer statement that had been verbalized by the applicant along with a recommendation that the property owner develop a Master Plan for the development of the remainder of this tract prior to any further rezoning. Therefore, the overall land use and public service impact of the development could be determined and completely evaluated by the Commission and Board of Supervisors. The Commission recommended approval of the application. Written proffers matching those submitted with Rezoning Application 2003-06 were submitted for this application.

Mr. Crittenden opened the hearing for comments from the public. Mr. Daniel Downs commented that access for this application was at the widest part of Stormont Road and should not be a problem. He offered no objection to the application. There being no further comments, the public portion of the hearing was closed. The motion to approve the application for rezoning this 6.8 acre parcel was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Mr. Higgins informed the Board that the owner intends to develop the property south of the golf course, but would be working with staff to develop a master plan.

CHESAPEAKE BAY LOCAL ASSISTANCE GRANT

Mr. Higgins reported that the County had been awarded \$1,100.00 grant from the Chesapeake Bay Local Assistance Department that the Planning Department could use to develop and print brochures to explain the County's Bay Act program. Board members expressed their disapproval with the proposal that County staff would have to do all the work within a short time frame, with CBLAD being the approving authority and not sending additional money to continue the work once the \$1,100.00 runs out. There was no action taken on acceptance of the grant.

APPOINTMENTS

Industrial Development Authority – The motion to reappoint Mr. Claude Boyd, subject to his acceptance, to a four-year term on the IDA, expiring January 31, 2010, was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

Planning Commission – The motion to appoint David Johnson to fill the position vacated by Russell Sibley, who had resigned, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. This term will expire June 30, 2006.

No action was taken regarding vacancies on the Airport Committee or to make a recommendation regarding the position currently held by Henry Easton on the Board of Zoning Appeals, which expires April 30, 2005.

DISBURSEMENTS

The motion to approve disbursements was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 51081 through 51112 totaling \$75,638.67 were disbursed as approved.

PAYROLL

The motion to approve payroll for December 16 – January 15 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 50985 through 51080 totaling \$178,350.49 were disbursed as approved.

CELL PHONE TAXES

Mrs. Weber commented that she had been approached by several citizens who had noticed that their bills for cellular phone service included a tax that was being paid to Gloucester County. Assistant Administrator, Marcia Jones, explained that she had contacted Verizon Wireless several months ago. Correction of this issue was being addressed by Verizon Wireless and bills being sent to customers after January should show the tax coming to Middlesex. Although Middlesex County adopted a phone utility tax over ten years ago on both wireline and wireless phones, and notification was sent to Contel Cellular, it was not picked up by Verizon Wireless when the company changed hands. There was also confusion in that the 23149 billing zip code is used for both Middlesex County and Gloucester County. The phone company had grouped all their 23149 customers with Gloucester and were adding on a \$3.00 utility tax that Gloucester charges; the tax imposed by Middlesex County is \$2.00.

COMMITTEE APPOINTMENTS BY THE CHAIRMAN

Mr. Crittenden presented the following list of Board committee appointments that would be effective February 1, 2005:

• WEBER

Sports Complex Operations Committee
School Capital Projects Liaison
Community Policy and Management Team

Director of Emergency Services
Planning Commission

• CRITTENDEN

Airport Committee
Middle Peninsula Regional Jail Authority

• MILLER

Dragon Run Steering Committee
Middle Peninsula Community Criminal Justice Board
Disability Services Board
Legislative Liaison (alternate)

Planning District Commission
Tidewater Resource Conservation and Development

• WILLIAMS

Planning District Commission
Legislative Liaison
Virginia Association of Counties

Middle Peninsula Regional Jail Board
(Alternate)
Social Services Board

• JESSIE

Social Services Board
Airport Committee
Health Department
Museum Board
Sports Complex Commission
Oyster Festival Foundation

CLOSED MEETING

The motion to convene in closed session to discuss matters relating to consultation with legal counsel regarding possible litigation per Code of Virginia §2.1-3711.A7, and personnel, per Code of Virginia §2.1-3711.A1 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-3711.A7 and 2.1-3711.A1 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 February 1, 2005, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

Fred S. Crittenden, Chair
Board of Supervisors