

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 16, 2006, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

Present: John D. Miller, Jr., Saluda District
Robert A. Crump, Saluda District
Fred S. Crittenden, Pinetop District
Kenneth W. Williams, Pinetop District
Wayne Jessie, Sr., Jamaica District

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

CALL TO ORDER

Chairman Miller called the meeting to order at 7:30 P.M. and Mr. Crump gave a prayer. Mr. Culley led the group in the Pledge of Allegiance.

PUBLIC HEARING – REZONING APPLICATION 2006-04, GLENN BUNCH

Planning Director, Matthew Higgins, presented an application requesting amendment of the proffers approved with Rezoning Application #1995-05 on May 2, 1995, for Tax Map 27-174, a 119 acre tract of property zoned Light Industrial. This application proposes to add Go-Cart Racing, with proffers, to the list of sixty-one (61) already approved uses. Mr. Higgins noted that although go-cart racing does not fit into a typical light industrial park, this use does fit into the current set of uses permitted for the property. Proffers submitted with the application are as follows: (1) all go-cart activity would be located indoors; (2) all carts would be muffled with 4-stroke Honda-type motors; (3) no audible sounds of the carts would be heard at any property line. All operations would stop unless there is full compliance with this proffer. The property owner is no longer actively pursuing a light industrial park at this property and foresees more viability in the entertainment-related uses at the property. This area is not targeted by the Comprehensive plan as an area for light industrial development. Mr. Higgins would recommend that the property owner ultimately consider rezoning the property to a zoning district that would be more compatible with his master plan for development.

Mr. Miller opened the public hearing for comments. Debbie Bohannon commented that this would provide a good entertainment for kids. There being no further comments from the public, Mr. Miller closed the hearing. Mr. Crittenden stated that the County is always looking for something for entertainment, especially for young people. Mr. Williams agreed, adding that he has no problem with the application, especially with the proffers. The motion to approve the application, with the proffers as submitted, was made by Mr. Williams, seconded by Mr. Crump and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2006-04, E. G. FLEET AND BEVERLY JOHNSON

Mr. Higgins presented an application for an accessory dwelling unit with garage underneath to be used for dwelling purposes during the construction of a single-family dwelling. A single-family dwelling currently existing on the property is proposed for demolition and permits have been obtained for a new house in its place. Mr. Higgins reminded the Board that all requests for accessory dwelling units must meet the requirements specified in Article 15, Section 15-22 of the Zoning Ordinance, which this does. In addition, the proposed use is harmonious with the surrounding zoning and land uses.

Mr. Miller opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the special exception use was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING –SPECIAL EXCEPTION #2006-05, WILLIAM BOHANNON

Mr. Higgins explained that this application was also for an accessory dwelling unit, however the garage with apartment has already been built and the primary dwelling is under construction. The permits issued for the garage/apartment were issued with the condition that the kitchen and bathroom facilities must be removed prior to obtaining a certificate of occupancy for the dwelling, so that the property would meet the requirements of Article 15, Section 15-8.2 of the Zoning Ordinance, which states that no more than one principal residential structure shall be located on one property. The applicant now seeks for the garage/apartment to be considered as an accessory building unit, so that he can retain use of the apartment as an accessory building.

Mr. Miller opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the special exception use as an accessory dwelling was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – ORDINANCE AMENDMENT – GROUP RESIDENTIAL FACILITIES AND FAMILY DAY HOMES, CHILD CARE CENTERS

Mr. Higgins presented this application on behalf of the Planning Commission to amend several sections of the Zoning Ordinance due to changes in the Code of Virginia regarding group residential and family day homes and to clarify specifications for child care centers. The Ordinance must list group residential facilities or family day homes as permitted uses in all zoning districts where single-family dwellings are permitted uses, and site plan review cannot be required for either of these uses. Also, new definitions of these uses have been provided to match the Code of Virginia. Other

modifications have been proposed to clarify where more intense versions of these uses are permitted, including adding child care center as a special exception use in the LDR zoning district, adding child care center as a permitted use in the GB zoning district and adding congregate living facility as a special exception use in the VC zoning district.

Mr. Miller opened the public hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the changes to the Zoning Ordinance as proposed was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously.

MIDDLESEX YMCA

Martha Heric and Carolyn Schmalenberger were present to discuss the success of the Middlesex YMCA and the demand for more services of the YMCA. The YMCA currently has 843 individuals as members, which is greater than the other four Y's in the area (Richmond, Mathews, Northumberland or Westmoreland Counties). Between January and April 2006, the Middlesex YMCA provided total scholarships in the amount of \$4,975 to 187 individuals, 1.89% of the County population. This number is greater than the four other counties combined. This year, the YMCA is anticipating providing over \$25,000.00 in scholarships to citizens of the County.

According to Mrs. Heric and Mrs. Schmalenberger, because of the demand for programs and services, there is a need for the YMCA to grow at a more rapid pace than that of other YMCA's in the area. The YMCA is asking for financial assistance from the Board so that they can continue to service the needs that are not being met. Richmond County contributes \$45,000, Northumberland contributes \$50,000.00 and Mathews and Westmoreland Counties each contribute \$65,000.00. Middlesex County has contributed a portion of the former Wilton Elementary School for use by the YMCA.

No action was taken by the Board at this time. Action would be scheduled for the meeting on June 6th.

APPROPRIATIONS

Wireless Grant:

The motion to approve the appropriation of E911 wireless grant funds to the part time dispatch line was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. In discussion, it was noted that these funds cannot be used to supplement full time dispatcher salaries. FROM: 3-1-24040-0900, \$10,892.00 TO: 4-1-31020-1009.

General District Court:

Only \$1,000.00 was budgeted for renting General District Court Offices because at the time the current year's budget was prepared it was assumed that rental offices would not be needed. This appropriation is needed for rent through the end of the

fiscal year. The motion to approve the appropriation was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously: FROM: 3-1-41060-0001, \$3,675.00 TO: 4-1-21020-8001.

Legal Fees:

The motion to approve the appropriation of additional funds for legal services was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously: FROM: 3-1-41060-0001, \$35,000.00 TO: 4-1-12040-3002.

BAY AGING

Joshua Gemerek from Bay Aging was present to request the Board's endorsement of Bay Aging's request for grant funding for Phase Two and Phase Three of Port Town Village Apartments, each with 15 units. The motion to adopt the following resolution was made by Mr. Williams, seconded by Mr. Crump and carried unanimously:

RESOLUTION

BAY AGING

SECTION 202 – ELDERLY APARTMENTS

WHEREAS, Bay Aging is submitting an application for funding to the U.S. Department of Housing and Urban Development Section 202 Supportive Housing for the Elderly Program for the purpose of building and operating up to 30 additional apartments (including 15 apartments in Port Town Village Phase Two and 15 apartments in Port Town Village Phase Three) in Middlesex County, Virginia, for persons 62 years of age or older; and

WHEREAS, studies have substantiated the need for such housing in Middlesex County; and

WHEREAS, housing of this type will have a substantial positive impact upon the housing needs of the community; and

WHEREAS, it is a goal of the Middlesex County Board of Supervisors to assure an adequate supply of affordable, appropriate housing for all citizens of the County.

NOW, THEREFORE, BE IT RESOLVED that the Middlesex County Board of Supervisors hereby endorses the applications of Bay Aging for funding through the U.S. Department of Housing and Urban Development Section 202 Supportive Housing for the Elderly Program.

Mr. Gemerek was asked to have the lighting adjusted at the existing apartments, perhaps lowering the wattage of the bulbs so that it was not so bright. Also, the lighting for the entrance sign needs to be adjusted so as not to shine in on-coming traffic.

WORK AUTHORIZATION

The motion to approve the work authorization from the LPA Group for professional services related to the hangar project was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Services have been broken down between the bid preparation phase and the bidding phase, with the total cost \$10,850.00. Mr. Culley noted that an appropriation may be needed in the FY 07 budget to cover this request.

PAYROLL

The motion to approve payroll for the month of May was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 55012 through 55085 totaling \$261,454.15 were distributed as approved.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Checks numbered 55086 through 55148 totaling \$157,691.21 were disbursed as approved.

GUARDRAIL

School Board Chairman, James Goforth, was present to request the Board's endorsement of the School Board's request for installation of a guardrail along Route 620, Philpott Road, in the area of the Middlesex Elementary School. The motion to endorse their request to the Department of Transportation was made by Mr. Crump, seconded by Mr. Williams, and carried unanimously.

RELAY FOR LIFE

The motion to endorse the following proclamation was made by Mr. Crump, seconded by Mr. Williams and carried unanimously:

PROCLAMATION

RELAY FOR LIFE WEEKEND

WHEREAS, Cancer is the second leading cause of death in the United States, and

WHEREAS, one in every four deaths in the United States is from Cancer, and,

WHEREAS, Americans are expected to die from Cancer each year, day, and, new cases of Cancer will be diagnosed in Virginia in 2006 and,

WHEREAS, the American Cancer Society is the nationwide community-based voluntary health organization dedicated to elimination cancer as a major health problem, and,

WHEREAS, the Southeast Division holds one of the top positions in the United States for the largest fund raising events for the American Cancer Society and hosts over 100 Relay For Life events involving volunteers in honoring Cancer survivors, educating the general public about the importance of Cancer prevention, detection, and raising funds in the fight against Cancer, and,

WHEREAS, Middlesex County will host the Piankatank Relay For Life involving over 150 volunteers and 70 survivors the weekend of June 2, 2006.

NOW, THEREFORE, the Board of Supervisors of Middlesex County, Virginia do hereby proclaim June 2 Relay for Life Weekend and urge all of our citizens to participate in this effort to eradicate Cancer as a major health problem by preventing Cancer, saving lives and diminishing suffering from Cancer through research, education, advocacy and service.

REGIONAL WATER SUPPLY PLAN

The motion to endorse the following resolution in support of the Middlesex Peninsula Planning District Commission's preparation of a regional water supply plan was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. It was noted that the County's in-kind match would be of staff time to attend approximately six (6) meetings.

RESOLUTION

WATER SUPPLY PLAN

WHEREAS, the Virginia General Assembly has mandated the development of water supply plans throughout the Commonwealth and the State Water Control Board has developed regulations to implement this planning process, and

WHEREAS, based upon these regulations, Middlesex County is required to complete a water supply plan that fulfills the regulations by November 2, 2011, and

WHEREAS, the Virginia Department of Environmental Quality has announced the availability of grant funds to assist localities offset some of the costs related to the development of these plans and are encouraging localities to submit applications for grant funds using regional water supply plans, and

WHEREAS, regional water supply planning is a sensible approach to developing a water supply plan since watershed boundaries do not follow political boundaries and since there will likely be cost savings to all jurisdictions participating, and

WHEREAS, the Middle Peninsula Planning District Commission has previously managed the development of successful regional plans and is a logical entity to organize and manage a regional water supply planning process, and

WHEREAS, the Middle Peninsula Planning District Commission desires to participate in a regional water supply plan and desires to secure DEQ grant funds to help offset the cost of the plan development.

NOW THEREFORE BE IT RESOLVED, that Middlesex County authorizes the Middle Peninsula Planning District Commission to develop an application for water supply planning grant funds and to develop a regional water supply plan which will meet mandated regulations, and

IT IS RSOLVED, that the Middlesex County Administrator is authorized to sign the DEQ grant contract and other appropriate documents related to the source water planning grant and the regional source water supply plan.

PLANNING COMMISSION REQUEST

No action was taken regarding the Planning Commission's request to conduct a joint meeting with the Board of Supervisors.

OTHER BUSINESS

Route 629:

Mr. Williams suggested that the issue of who is responsible for repair of the dam at Healy's Mill, Route 629, should be put on the docket for the Court to decide. Mr. Soberick requested that he be allowed to research the issue. The motion for Mr. Soberick to research the issue and to pursue with the Courts if necessary was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

CLOSED MEETING

The motion to meet in Closed Session to discuss items related to land acquisition, pursuant to Code of Virginia, §2.2-3711.A6, personnel, pursuant to §2.2-3711.A1, and potential litigation, pursuant to §2.2-3711.A7, was made by Mr. Crump, seconded by Mr. Crittenden and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, seconded by Mr. Jessie 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.A6, §2.1-3711.A1 and §2.1-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

There was no action as a result of the closed session.

RECESS

There being no further business, the meeting was adjourned by Mr. Williams, seconded by Mr. Crump and carried unanimously.

John D. Miller, Jr., Chair
Board of Supervisors