

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MARCH 20, 2007, 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. Mr. Jessie offered a prayer and Mr. Culley led the group in the Pledge of Allegiance.

REZONING APPLICATION 2006-06, GENE RUARK

Mr. Miller announced that the applicant had submitted a request that the Board of Supervisors table action on his application for another 30 days. The motion to approve the request, with the application to be reconsidered at the Board's meeting on April 17, was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2007-01

Planning Director, Matthew Higgins, presented this application requesting approval of a special exception for the locating of more than one principle residential structure on an individual parcel of land for an immediate family member. This parcel is located at Tax Map 26-30B, a 2.603 acre parcel that is divided by a public road. The second dwelling proposed is a manufactured home that will be utilized by several immediate family members of the property owner, including the property owner's mother, who is 88, a daughter who recently had a stroke, and a sister who will act as a caregiver. Mr. Higgins expressed concern that the second dwelling would be able to meet all the setback requirements of the Low Density Rural district.

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 application, with the mandated conditions of Section 15-20 of the Zoning Ordinance as follows was made by Mr. Jessie, seconded by Mr. Crittenden and carried unanimously:

1. The Health Department shall approve a permit for a new septic system or connection to an existing septic system prior to obtaining a Zoning and Building Permit.
2. The property owner shall remove the existing manufactured homes from the property within ninety (90) days of the discontinuance of use.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION

Mr. Higgins presented this application requesting approval of a special exception for a repair garage and boat yard at Tax Map 13-67A, a 3.297 acre parcel near Water View. This property is currently permitted to have a rural home occupation (welding) with a single family dwelling. Mr. Seawall had been issued a violation notice for having an outside display of cars and boats being repaired by the business, which is not allowed as a rural home occupation. Shortly after the violation notice, Mr. Seawall made application for the special exception to conduct repair garage and boat yard activities on the premises. Mr. Higgins expressed his concern with the impact of the activities on surrounding single-family dwellings and stated that the outside storage needed to be screened from view to limit the visual impact. Adjoining property owners have also complained about noise from the business and work being conducted outside the building. The Planning Commission recommended approval of the application with the following conditions:

1. A privacy fence, which shall be a minimum of 6' in height, shall be constructed around any storage area located on the premises.
2. No equipment, work materials, automobiles, boats, parts or other items associated with the business shall be located outside of the garage or storage area.
3. All repair or welding work on the premises shall be conducted within the garage.
4. The size of the business shall not exceed the property owner and one employee.
5. The hours of operation for the business shall not exceed 8 AM to 5 PM.

Mr. Miller opened the public hearing for comments. There being no comments, the public portion of the hearing was closed. Mr. Williams mentioned that a letter of complaint had been received from an adjoining property owner (Morris) and that the concerns of the neighbors needed to be addressed. Mr. Crump suggested that in addition to a privacy fence, an evergreen barrier needed to be installed.

The motion to approve the application for special exception to include the conditions recommended by the Planning Commission and to also require an evergreen screening according to a plan submitted and approved by the Planning Director was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2007-03, CYNTHIA BEVERLEY

Mr. Higgins presented this application for special exception approval to establish a child care facility at Tax Map 38-287E, a .918 acre parcel in the Wake area. A child care facility is defined as a facility for six or more children and is currently subject to licensing requirements of the Virginia Department of Social Services. This operation will be conducted within the single family residence of the applicant. The number of children at the facility and space requirements will be determined by the Department of Social Services. Limitations on age of children and hours of operation are restricted by the Zoning Ordinance. Staff and the Planning Commission recommended approval of the application with conditions.

Mr. Miller opened the public hearing on the application. Mrs. Beverley commented that she has paid several application and licensing fees in order to be a properly licensed facility and knows that there are other private facilities that have not gone through the same application process. John Polson stated that the differences between day care center and private home daycare and the licensing requirements need to be addressed. There being no other comments, the public portion of the hearing was closed. Mr. Higgins noted that the definition of child care facility in the Zoning Ordinance meets the definition in State Code. The motion to approve the application with the following comments was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously:

1. The property owner shall obtain any required licenses or approvals from the Virginia Department of Social Services and any other relevant State agencies.
2. Per the Middlesex County Zoning Ordinance, all children shall be under seven (7) years of age and such children may only be present from 6AM to 7PM.

PUBLIC HEARING – ORDINANCE AMENDMENT 2007-01, SUBDIVISION ORDINANCE - ARTICLE 6, SECTION 6-3 AND SECTION 6-4

Matthew Higgins, Planning Director, presented proposed amendments to the Subdivision Ordinance to provide criteria for the provision of central water and sewer systems for major subdivisions as follows: (1) amending Article 6, Section 6-3 by requiring the provision of a central water system in any major subdivision with 25 or more lots from the same parent tract; and (2) amending Article 6, Section 6-4 by requiring the provision of a central sewer system in any major subdivision with 50 or more lots from the same parent tract. The purpose of the proposed amendment is to implement the recommendations of the 2001 Middlesex County Comprehensive Plan regarding the provision of central water and sewer systems. The Plan identifies three areas in the County “possessing limited potable water resources and soils of poor sewage absorption capacity” where centralized systems are needed to “facilitate continued development”. Three (3) “Water and Sewer Study Areas” have been identified in the Plan – Deltaville/Stingray Point, Saluda/Cook’s Corner and Hartfield –

that would be in need of centralized water and sewer systems to facilitate continued development.

Mr. Higgins cautioned that the ongoing provision of central water and sewer systems would only increase development over time. While a central sewage system would be advantageous in reducing pollution from failing individual septic systems, it would also open these areas to additional new construction and redevelopment thereby creating the loss of additional undisturbed natural areas and the increase of other potential pollution and stormwater management problems from such development.

Most of the surrounding counties do not have an element of central water and sewer systems in their subdivision ordinance as proposed by the Planning Commission. Gloucester County and Mathews County have public water and sewer systems with provisions that developments must hook onto these existing systems. King and Queen and Lancaster Counties do not have any requirements. The number of lots for the proposed ordinance amendments was found in the King William Subdivision Ordinance, which generally requires the provision of central water and sewer if a certain unit threshold is met. Staff recommended approval of the ordinance amendment as submitted. The Planning Commission recommended approval of the proposed amendment to Section 6-4 concerning central sewer, and recommended continuance of the portion of Section 6-3 regarding central water.

Mr. Miller opened the public portion of the hearing for comments. Ken Mallory, a well driller by trade, commented that he did not see how a private well could be described as an environmental hazard. John Polson questioned what he believed to be the arbitrary assignment of numbers that would trip the requirement for central water or sewer and asked the goals of the ordinance. Mr. Polson also noted that sewage going into a mass drainfield would have a detrimental effect on the environment. James Ward also questioned where the numbers came from and suggested waiting for more information and recommendations on water from the Planning Commission. Eric Johnson requested the Board table the matter. Mr. Johnson noted the problems already being experienced by existing developments that did not have enough flow to make package plants work. Mr. Johnson also noted the great expense and time to develop treatment systems, but agreed that the issue needed to be addressed without establishing lots of little plants. Charles Records of AES Consultants/Engineers commented on the significant impact central water and sewer can have on density. There being no additional comments, the public portion of the hearing was closed.

Mr. Crump questioned where the Commission came up with the numbers used in the proposed amendments. Mr. Higgins stated that the King William ordinance had been used as a guide. Mr. Higgins also noted that the definition of central sewer does not permit a mass drainfield; the effluent must be treated, therefore contamination is decreased. Mr. Miller commented that the State is placing additional requirements on localities to improve water quality and noted his appreciation of the work the Planning Commission does. Mr. Williams noted that the Health Department has already allowed too many alternative treatment systems to be installed that are not being maintained

properly. Mr. Jessie and Mr. Crittenden both suggested that the issue undergo more study. Mr. Miller noted that by not recommending action on central water they recognized that more work needed to be done. The motion to table action pending additional feedback during the Comprehensive Plan update process was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously.

PUBLIC HEARING – ORDINANCE AMENDMENT 2007-03

Planning Director, Matthew Higgins, presented Ordinance Amendment Application 2007-03, an application to amend Article 18, Nonconformities, to comply with sections of the State Code. Proposed amendments include: establishing restrictions regarding the enlargement, extension, reconstruction, substitution or alteration of nonconforming structures and uses; ensuring that casual, intermittent or illegal use of land or structures shall not establish a nonconforming use; and removal of abandoned nonconforming signs as provided by Section 15.2-2307 of the Code of Virginia. The Planning Commission recommended approval of the amendments, with the correction of a typographic error in Section 18-5-5.

Mr. Miller opened the hearing for comments from the public. Judy Aldridge produced a letter from Jerry Davis, Zoning Administrator in the early 1980's, who granted permission for Mrs. Aldridge to operate her non-conforming metal recycling facility. John Easter, a land use attorney, spoke in favor of the amendments, which would make the ordinance conform to State codes. There being no further comments, the public portion of the hearing was closed. Mr. Higgins answered several questions from the Board, and reminded them that legally non-conforming uses would be allowed to continue as long as they were not discontinued for a period of two years. The motion to approve the amendments as proposed was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

AS-400 COMPUTER

Mr. Culley requested that the Board approve the purchase of a new AS-400 computer system to replace the existing unit that is seven years old. In the past, the units have been replaced at five year intervals. The current system is running out of storage space and upgrades to the software will create more problems and costs than replacing the entire unit. Payments for the new unit will be \$285.70 per month, beginning July 1st, for a period of five (5) years. The total net purchase price is \$15,019.00. The motion to approve the purchase was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Crump, seconded by Mr. Williams and carried unanimously. Checks numbered 57965 through 58033 for \$114,008.20 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of March was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Checks numbered 57875 through 57964 totaling \$274,694.84 were distributed as approved.

BUDGET WORK SESSION-

A budget work session was scheduled for Tuesday, March 27th, at 2:00 P.M., in the Board Room.

RECESS

There being no further business, the meeting was recessed until the budget work session on March 27, 2007.

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