

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, NOVEMBER 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

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

CALL TO ORDER

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

PUBLIC HEARING – REZONING APPLICATION 2007-03

Planning Director, George Hayfield, presented Rezoning Application 2007-03, an application submitted by Suro-Sima LLC to reclassify 27.5 acres from Low Density Rural Zoning District to Village Community District, with proffers. This property is a portion of Tax Map 37-48. The proposed use of the property is to create 41 lots of detached single-family, age restricted housing. Open space would be left at 15.88 acres, 58% of the property, almost twice the requirement. The development would be served by central water/sewer.

Mr. Hayfield summarized his comments as follows:

1. Rezoning to Village Community is compatible with the Residential zoned property just to the north (The Landing) as both as proposed to be developed as single family detached housing in association with the golf course community.
2. Numerous rezonings to Residential and Village Community have been approved in the immediate vicinity of this proposal within the last ten years. This is one of two current rezoning proposals for this area of the County, with major housing development as its purpose. The other is 1.5 miles west of this development, the Healy's Mill Plantation proposal (379 lots)
3. The development associated with the proposed rezoning to Village Community is consistent and compatible with surrounding land uses and development patterns and zonings. The proposed rezoning to Village Community is consistent with recent rezonings approved in this area of the County with purpose of major single family housing development.

Mr. Hayfield concluded that the rezoning application is consistent with the Comprehensive Plan and consistent with surrounding land uses, development patterns and zoning patterns. Mr. Hayfield recommended approval of the application as presented with attached proffers. The Planning Commission recommended approval of the application by unanimous vote.

Mr. Miller opened the hearing for public comment. Mr. John Fleet stated that the applicant for the project is really Fairfield Farms because the land has not transferred. John England stated that at the Planning Commission review it was suggested that Lots 40 and 41 be combined to lessen visual impact on the road. Mr. England also suggested that specific fire and rescue departments listed in the proffers should be designated. There being no further comments, the public portion of the hearing was closed.

The motion to approve the application to rezone the property to Village Community with the following proffers was made by made by Mr. Crump, seconded by Mr. Williams and carried unanimously:

1. The maximum number of lots shall not exceed 41 lots.
2. Minimum dwelling unit size established at 1200 square feet and a minimum of a one car garage.
3. Roads are private, not to be taken into state system unless requested by the County and/or homeowners association.
4. Age restricted community as defined by federal government, 55 and older.
5. A homeowners association shall be formed, with covenants and restrictions recorded prior to sale of lots.
6. Requirement for provision of underground utilities for development.
7. Requirement for provision of central water system for all lots.
8. Requirement for provision of central sewer system for all lots.
9. Establishment of architectural standards for dwellings within development.
10. Roads to be built to state standards.
11. Requirement for maintenance of common areas by Homeowners Association.
12. Developer to offer cash proffer of \$250.00 per lot for the Hartfield Volunteer Fire Department at time of building permit issuance.
13. Developer to offer cash proffer of \$250.00 per lot for Rescue Squad that services this development. This shall be paid at time of building permit issuance.
14. Provision of cash proffer of \$489.00 per lot for the police or sheriff's department at the time of building permits issuance.

PUBLIC HEARING – REZOING APPLICATION 2007-04, RIVERSIDE BRICK & SUPPLY COMPANY

My Hayfield presented the application submitted by Riverside Brick and Supply Co. to rezone 2.5 acres from Village Community to General Business, an addition to an existing General Business zone, to be used as a brick and masonry supply sales office,

showroom and product warehouse. The change in zoning was required because Village Community does not allow outdoor storage of material. This property is a portion of Tax Map 26-51, located at Business Route 17, adjacent to Urbanna Lumber, approximately 0.1 miles from Route 17. Mr. Hayfield made the following analysis: rezoning from LDR to General Business makes sense from a planning, economic, business and transportation standpoint. From a business standpoint, this brick and masonry sales operation will naturally complement existing business at this intersection. The Comprehensive Plan supports industrial and commercial development along the Route 17 corridor. It has been understood that this corridor is expected to be an area of commercial growth concentration in the County and that this specific intersection and site fall within a designated Transitional Development Commercial Center, an area picked for commercial development. The Planning Commission recommended approval of the application, with conditions, on a 6-2 vote.

Mr. Miller opened the hearing for comments. John England stated that the Board and Commission needed to look at corridor planning and be proactive with land use planning. Robert McMurtrie, representing the applicant, stated that the building would be of brick construction, similar to the pictures provided, and would employ 6-8 people. There being no further comments, the public portion of the hearing was closed. Mr. Crittenden noted that this would be a clean industry, generating additional employment and sales tax. The motion to approve the application with the following proffers was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously:

1. Landscaping & buffering be put in place to mitigate potential negative impact on properties zoned Village Community and/or Low Density Rural where there is potential for future residential housing. Landscaping plan shall be developed and approved according to Zoning Ordinance section 17B, Landscaping and Buffering Requirements.
2. Lighting on buildings and on site shall be downward directional and fully shielded from view from adjoining property in the LDR district and from Business Route 17 as per Zoning Ordinance section 17C, Lighting requirements. All lighting shall meet ordinance requirements.
3. Site ingress/egress to be reviewed and approved by VDOT at Site Plan review state.

PUBLIC HEARING – NUISANCE ALARMS

Mr. Culley commented that this ordinance was requested by the volunteer fire departments as a way to encourage people to take responsibility and care of their alarm systems. If adopted there would be line items designated within the revenue category to specify the department that received the fine. Mr. Miller opened the hearing for comments from the public. There being none, the public portion of the hearing was closed. Mr. Crump noted that this was a way to support the volunteers that serve on the fire and rescue departments. The motion to adopt the ordinance as presented was made by Mr. Crittenden, seconded by Mr. Crump and carried unanimously:

AN ORDINANCE OF THE COUNTY OF MIDDLESEX PERTAINING TO NUISANCE ALARMS

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT
THE FOLLOWING ORDINANCE IS NEWLY ADOPTED:

NUISANCE ALARMS

Section 1. Deliberate nuisance alarms.

It shall be unlawful for any person knowingly to activate or cause to be activated, without just cause, an alarm system to summon law enforcement or fire department personnel in a non-emergency situation. Nothing contained in this section shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the county sheriff's office.

Section 2. Service fee for nuisance alarms.

(A) *Response by fire and/or rescue personnel.* Fees in the following amounts shall be assessed against alarm system users for nuisance alarms resulting in response by fire and/or rescue personnel and occurring during any period of one hundred eighty (180) successive days. Alarm system users shall pay such service fees for nuisance alarms within thirty (30) days of billing:

- (1) First nuisance alarm...no charge
- (2) Second nuisance alarm...no charge
- (3) Third nuisance alarm...\$100.00
- (4) Fourth nuisance alarm...\$250.00
- (5) Fifth and each subsequent nuisance alarm...\$500.00

(B) *Response by sheriff's office personnel.* Fees in the following amounts shall be assessed against alarm system users for nuisance alarms resulting in response by sheriff's office personnel and occurring during any period of one hundred eighty (180) successive days. Alarm system users shall pay such service fees for nuisance alarms within thirty (30) days of billing:

- (1) First nuisance alarm...no charge
- (2) Second nuisance alarm...no charge
- (3) Third nuisance alarm...\$75.00
- (4) Fourth nuisance alarm...\$125.00
- (5) Fifth and each subsequent nuisance alarm...\$225.00

(C) *Billing; interest on unpaid charges.* At the end of each month, the dispatch office shall provide the address of the alarm system and user for each nuisance alarm to the county administrator, along with the date and time of each nuisance alarm. The county administrator shall bill the user for any due service fees, and notify the chief or the sheriff of any account which is more than thirty (30) days in arrears. Any account more than thirty (30) days in arrears shall be subject to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than thirty (30) days in arrears.

(D) *Exceptions.* This section shall not apply to any alarm system used, operated or installed in any premises or place owned, leased, occupied or under the control of the United States government, the state or any of its political subdivisions, nor to the county or its school board or any officer, agent or employee of such governmental agencies while acting or employed in their official capacity. All other requirements of this division shall apply.

State law references: Legal rate of interest, Code of Virginia, § 6.1-330.53; penalty and interest for failure to pay accounts, Code of Virginia, § 15.1-37.3:6.

Section 3. Termination and reinstatement of emergency response.

(A) The sheriff or the fire chief may notify an alarm user whose account is more than sixty (60) days in arrears that the sheriff's office and/or fire department shall not respond to further alarm transmittals until the amount in arrears and a reinstatement fee is paid to the county.

(B) After six (6) nuisance alarms have been transmitted during a one hundred eighty-day period, the sheriff or the fire chief may notify the alarm user that the sheriff's office and/or fire department will not respond to alarm transmittals from the premises until service is reinstated. After such notice, emergency personnel response shall not be reinstated until a licensed alarm company has inspected the alarm system and certifies to the county that the system has been repaired and is operating correctly. The alarm user shall pay the cost of inspection, repair and certification.

(C) If the nuisance alarm occurred because of user error or negligence rather than mechanical failure, the fire chief or the sheriff may require the user, its employees (if any) and all others having access to the alarm system to complete a training program satisfactory to the fire chief or the sheriff.

(D) In all cases where sheriff's office and/or fire department response has been terminated, the alarm user shall pay all outstanding fees and accrued interest under section 2, plus a one hundred dollars (\$100.00) fee for reinstatement of each service.

(E) Nothing in this section will preclude response by fire department and/or sheriff's office personnel, if an actual emergency exists and a request for emergency response has been made through conventional means (e.g., telephone call to 911, sheriff's office or fire department).

Adopted by the Board of Supervisors of Middlesex County, Virginia on this 20th day of November, 2007.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

APPOINTMENTS

The motion to reappoint Chauncey Mann and John Wake to serve additional terms on the Industrial Development Authority was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Their new terms would be for four (4) years beginning February 1, 2008.

DISBURSEMENTS

The motion to approve disbursements was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously. Checks numbered 60023 through 60094 for \$130,344.14 were disbursed as approved.

PAYROLL

The motion to approve payroll for the month of November was made by Mr. Williams, seconded by Mr. Crump and carried unanimously. Checks numbered 59951 through 60022 totaling \$313,653.58 were distributed as approved.

JANUARY MEETING DATE

The motion to meet at 9:00 A.M. on January 2, 2008 was made by Mr. Crump, seconded by Mr. Jessie and carried unanimously.

CLOSED MEETING

The motion to meet in Closed Session for consultation with legal counsel regarding potential litigation, pursuant to §2.2-3711.A7, was made by Mr. Jessie, seconded by Mr. Crump and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously:

- To the best of the members' knowledge only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-3711.A7 as identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

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

PORTRAIT

Mrs. Jones explained that Robert Lamb had contacted the County regarding the portrait of his great-grandfather, Judge Richardson Henley, that was hanging in the historic courthouse. Mr. Lamb had requested that the portrait be returned to him, since the building was not going to be used for court proceedings. Board members agreed that the portrait was a gift to the citizens of the County and should remain in the care of the County with the other portraits. This room will still be used for County meetings and overflow courts, and the other portraits will not be removed. The motion for a letter to be written to Mr. Lamb denying his request was made by Mr. Crump, seconded by Mr. Williams and carried unanimously.

ADJOURN

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

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