

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 2, 1996, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

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

CALL TO ORDER

The meeting was called to order at 9:00 A.M. and opened with words of prayer by Chairman Crittenden.

MINUTES

The minutes of the meetings of January 18, 1996, March 5, 1996, and March 19, 1996, were approved as written and presented.

DISBURSEMENTS

Mrs. Jones, Assistant Administrator, presented a request for payment of \$11,400.95, to the IRS for an assessment of payroll accounts for 1991. Mrs. Jones reported there is money available in Department 1220 to cover this expenditure, rather than appropriating money from the fund balance. The motion to approve payment of the assessment was made by Mr. Williams, seconded by Mr. Miller and carried by a vote of four (4) to one (1) (Weber).

The motion to approve and issue the remaining disbursements, checks numbered 23585 - 23745, totaling \$176,152.63, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. In addition, Mrs. Weber requested a cost analysis of expenses at the Old St. Clare Walker gymnasium.

PAYROLL

The motion to approve payroll for the month of March was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. Checks numbered 23501 - 23584, totaling \$109,652.75, had been disbursed.

CONSTITUTIONAL OFFICERS

Treasurer:

Mrs. Wilson presented her monthly cash flow reports.

Sheriff:

Sheriff Jones indicated that changes made to the State's portion of the grant for the Drug Investigator have created a deficit for his County's budget of \$10,823.

COMMITTEE REPORTS

Mr. Williams:

- No reports

Mrs. Weber:

- Updates were given on the Sports Complex and VACo's General Government Committee. The Disability Services Board has requested that the \$1,900 currently in this year's budget be carried over to next year and will be used to enhance transportation rather than creation of a service data base.

Mr. Jessie:

- Plans are proceeding with the plans for jail construction.

Mr. Miller:

- Updates were given on recent meetings of the Dragon Run Steering Committee, Planning Commission, Economic Development Committee and Hampton Roads Sanitation District presentation at the Planning District Commission's quarterly meeting. In addition, the Chamber of Commerce is planning on participating in a agricultural and heritage County fair on August 15 and 16.

Mr. Crittenden:

- Airport Committee - Committee recommended awarding the contract for grass cutting to Mr. Thrift.

HIGHWAY MATTERS

Route 33 Widening Project, Phase II:

Mr. Culley explained the request from the Department of Transportation to purchase right-of-way from the County, at the entrance to Whitings Creek Subdivision, for a sum of \$200, for Phase II of the Route 33 Widening Project. A public hearing prior to disposition of public property is required.

Mr. Crittenden opened the public hearing for comments. Mr. Ed Fisher questioned the location of the sign and mailboxes and whether they would need to be moved. Mr. Culley explained that they were not in the right-of-way requested from the County. Mr. Woodward, Resident Engineer, added that the Homeowner's Association would be contacted if it was necessary for the boxes and sign to be relocated. There being no further comment, the public portion of the hearing was closed.

The motion to accept the offer of \$200 from the Department of Transportation was made by Mr. Miller, seconded by Mr. Jessie. The motion carried by a vote of four (4) in favor, with Mr. Williams opposed, his reason being that the cash offer was not enough.

Coleman Bridge:

Mr. Woodward updated the Board on plans for re-routing and handling traffic during the Coleman Bridge closure, May 3 - May 15.

Route 636:

Discussion on the Route 636 project will be placed on the agenda for May 7.

SCHOOL BUDGET SCHEDULE

Following a short recess, the motion to adopt the following schedule for School Budget review and adoption was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: Work Session - April 15 at 7:30 PM; Public Hearing - April 29; Adoption - May 7. Additional work sessions will be scheduled as necessary.

STREET NAMING

Action on the requested name, "Wingfield Drive" was tabled until the evening meeting pending research and further discussion by Mr. Miller and Mrs. Weber.

The name "Moss Side Drive", a private road off Route 615, was approved by motion of Mrs. Weber, seconded by Mr. Miller and carried unanimously.

VIRGINIA EMPLOYMENT COMMISSION

Adoption of the Annual Plan of Service was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously.

REQUEST TO WAIVE FEES

The motion to waive all fees associated with building and zoning permit applications for a storage shed for the Upper Middlesex Volunteer Fire Department was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

GRASS CUTTING

The motion to award the contract for grass cutting at the airport to Charles Thrift was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

APPOINTMENTS

Anniversary Committee: Action on appointments to this committee was tabled until the evening meeting. Members were asked to submit their selections to Mr. Culley as soon as possible.

Airport: Lawrence Hardwick was appointed to the Airport Committee by motion of Mr. Jessie, seconded by Mr. Williams and carried unanimously. Mr. Hardwick will replace Mr. Zimmerman, who's term is due to expire August 31, 1999.

Rappahannock Community College: The motion to reappoint Mrs. Patricia Perkinson to the Community College Board was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

RAFFLE

The motion to approve an application for a raffle permit by the Middlesex Little League was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

VIRGINIA RETIREMENT SYSTEM - LEVEL OF FUNDING

The Board discussed the funding of the cost of living adjustment as required by the retirement system. The Board chose to pre-fund the COLA over a five (5)

year phase-in period and adopt the following resolution by motion of Mrs. Weber, seconded by Mr. Miller and carried unanimously:

RESOLUTION

VIRGINIA RETIREMENT SYSTEM

FUNDING OF COST OF LIVING ADJUSTMENT

WHEREAS, the Virginia General Assembly, the Governor, and the Board of Trustees of the Virginia Retirement System recognize the growing liability of all employers participating in the Virginia Retirement System as a result of the current practice of funding annual cost of living increases to retirees on a pay-as-you-go basis; and

WHEREAS, the Virginia General Assembly and the Governor have provided, in the budget for the 1996-98 biennium, funds to reach a level that would fully fund the cost of living increases over a five year period beginning in fiscal year 1998 for state employees and public school teachers; and

WHEREAS, pursuant to their authority as set forth in Section 51.1-145 of the Code of Virginia, the Board of Trustees of the Virginia Retirement System has agreed to allow political subdivisions the option of making contributions beginning in fiscal year 1998 that would either (1) begin to fully fund the cost of living increases for their employees immediately, or (2) to reach a level to fully fund the cost of living increases over a five year period.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Middlesex County, Virginia:

That it hereby elects to begin to contribute so as to reach a level to fully fund the cost of living increases over a five year period beginning on July 1, 1997.

APPROPRIATION REQUEST

An additional appropriation of \$29,478.00 from the fund balance to cover the fourth quarter payment to the Regional Jail, due to additional costs incurred with previous housing outside of the facility, was approved by motion of Mr. Williams, seconded by Mr. Jessie and carried by a vote of four to one (Mrs. Weber opposed). Mrs. Weber noted that more accountability on behalf of the Jail Authority was required.

ZONING ORDINANCE AMENDMENT

The following resolution requesting the amendment of the Zoning Ordinance to include a definition of "adult entertainment", was adopted by motion of Mrs. Weber, seconded by Mr. Miller and carried unanimously.

RESOLUTION

ZONING AMENDMENT

DEFINITION OF ADULT ENTERTAINMENT FACILITY

WHEREAS, the Board of Supervisors of Middlesex County are responsible for the types of businesses that locate in the County,

WHEREAS, there has been increasing concern surrounding operation of adult entertainment centers, and

WHEREAS, for the general welfare, and good zoning practices the Board seeks to amend the Zoning ordinance,

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby initiate an amendment to the Zoning ordinance of Middlesex County to insert the definition of Adult Entertainment facility.

ADULT ENTERTAINMENT FACILITY: Any facility, permanent, temporary or mobile, which displays or sells pornographic materials, or provides entertainment by exotic dancers.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Planning Commission for public hearing and recommendation.

EXECUTIVE SESSION

The motion to convene in executive session to discuss matters pertaining to pending litigation and consultation with legal counsel regarding the qualifications of a member for the Pinetop District seat, pursuant to Code of Virginia, Section 2.1-344.a6, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

- To the best of the members knowledge, only public business matters lawfully exempted and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

- There was no action as a result of the Executive Session. Mr. Soberick indicated, however, that a letter dated March 26, 1996, had been received from the Attorney General's office indicating they were taking no action on the Board's request

OLD BUSINESS

Site Plans:

Mrs. Weber questioned the site plan notification received for a fabrication shop in the Topping area. Mr. Culley explained that the site plan did not have to be presented to the Planning Commission unless requested by the Board. Mrs. Weber indicated that it should pose no esthetic problems to the area.

Litter/Junk Cars:

Mr. Williams commented on the numbers of calls he had received regarding litter and junk car problems. He suggested contacting the County's Litter Committee for their assistance with the problem.

NEW BUSINESS

Mr. Crittenden suggested asking area ministers to attend and open the Board meetings with prayer. Mr. Williams indicated he would make contact with the ministerial association.

ADJOURN

There being no additional business, the meeting was adjourned until the work session on the budget scheduled for April 15, 1996, at 7:30 P.M. in the Planning District Commission Conference Room.

Fred S. Crittenden, Chairman
Board of Supervisors