

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, AUGUST 17, 1999, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator
Michael Soberick, County Attorney
Tim Wilson, Planning Director

CALL TO ORDER

The Chairman, Mr. Crittenden, called the meeting to order at 7:30 p.m. in the Board Room and opened with a prayer.

PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION #99-04

Mr. Wilson presented the application from Wilton and Ruby Marshall to operate a contractor's business, septic system installation, from their property located at Tax Map 18-129B, currently undeveloped and zoned Low Density Rural. The business would operate from a proposed 40' x 60' garage building to be used for the storage of business equipment and materials. In addition, a single-family dwelling, to be used as the applicants' residence, is proposed for construction on the property. The location of buildings, per an approved Health Department Construction Permit, either meet or exceed LDR District setback and yard requirements. The Planning Commission recommended conditional approval of the application.

Mr. Crittenden opened the hearing for comments from the public. There being none, the public portion of the hearing was closed. The motion to approve Special Exception Application 99-04, for the construction of a contractor's business at Tax Map 18-129B, according to the following conditions, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously:

- Any outdoor storage of construction materials and equipment shall be located behind the proposed building or wooded area, or otherwise screened from view of State Road 603 by means approved by the Zoning Administrator.
- Approval of entrance location on State Road 603 by VDOT.

ZONING ORDINANCE AMENDMENT 99-01

Mr. Wilson presented a request from the Planning Commission to amend Zoning Ordinance Section 11-3, Permitted uses, General Business (GB) District, to list "Cabinet, furniture and upholstery fabrication, Food processing plants, and Light manufacturing uses", as a permitted use in the GB District. The proposal to permit these uses in the GB District included limiting the maximum building size to 5,000 square feet and prohibits outdoor operations and storage. Currently these uses are permitted in the Light Industrial District, however are not limited to specific building size, and outdoor operations and storage are not expressly prohibited.

According to Mr. Wilson, the proposed uses are addressed generally in the Comprehensive Plan, which states that GB Districts are suited for "commercial activities of medium to high density and impact." In addition, Article 11-1 of the Zoning Ordinance states in part that the GB District should provide "areas in which commercial and compatible uses may concentrate at medium to high density without adversely affecting residential, agricultural, and other compatible uses."

Mr. Crittenden opened the public hearing for comments. Shannon Haley commented in favor of the request, noting it would be helpful in her efforts in securing a location for her food business. There being no further comment, the public portion of the hearing was closed. The motion to approve the following amendment was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

- Amend Zoning Ordinance Article 11-3 to list "Cabinet, furniture and upholstery fabrication", "Food processing" and "Light manufacturing" as a permitted use in the General Business (GB) District, with a maximum building size limitation of 5,000 square feet and outdoor operations and storage restricted.

ROUTE 629 ABANDONMENT

Larry Lucas, representing the Virginia Department of Transportation, presented information regarding a request to abandon a section of Route 629, which had been discontinued from use in the 1960's. This portion of road could not be abandoned at that time because an adjoining property owner would have been landlocked. An easement has since been granted to the property owner. Mr. Crittenden opened the public hearing for comments. There being none, the public portion of the hearing was closed. The motion to approve the abandonment was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING - CABLEVISION FRANCHISE AGREEMENT

Mr. Culley commented that a public hearing had been scheduled at the request of the Board at their July 6th meeting to consider comments from the public relating to the request to extend the franchise agreement by First Commonwealth Cablevision. Mr. Crittenden opened the public hearing for comments. Mr. Stuart Shoope questioned whether there would be additional restrictions placed on the company with the extension

of the franchise. According to Mr. Soberick, if the extension is granted the Company would operate under the same conditions of the existing agreement. There being no further comment, the public portion of the hearing was closed.

Mr. Culley noted that the County's communication consultant would be meeting with Cablevision representatives on Friday to discuss possible use of Cablevision's tower or fiber optic cables. The motion to table action until September 7 was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

MEALS TAX ORDINANCE

Mr. Culley updated the Board regarding discussions with Town of Urbanna representatives and the portions of their meals tax that they would be willing to contribute to the County. The County has suggested that 50% be contributed, the Town is considering an amount equal to the cost of the radio communications system divided by the number of residents in the Town (550), equaling approximately \$8,000, based on the initial budget estimate. Mr. Culley advised the Board that the complete cost of the project is unknown. There are also other possible grants available; Mr. Culley will be working with the Planning District Commission to discuss applications.

The motion to adopt the following resolution, requesting an order from the Circuit Court Judge requesting the meals tax question be placed on referendum, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

AT A REGULAR MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS, HELD ON TUESDAY, AUGUST 17, 1999 AT 7:30 P.M. IN THE BOARD ROOM IN THE WOODARD BUILDING, SALUDA, VIRGINIA: ON A MOTION DULY MADE BY MR. MILLER AND SECONDED BY MR. JESSIE THE FOLLOWING RESOLUTION WAS ADOPTED BY THE FOLLOWING VOTE:

FRED S. CRITTENDEN, Chairman	aye
LENORA O. WEBER, Vice Chairman	aye
KENNETH W. WILLIAMS	aye
JOHN D. MILLER, JR.	aye
FRANK JESSIE	aye

WHEREAS, the Middlesex County Board of Supervisors has discussed and considered the enactment of a Food and Beverage Tax within the county, pursuant to the authority of Section 58.1-3833 of the code of Virginia, 1950, as amended; and

WHEREAS, the said Board has determined that a referendum of the County's electorate should be conducted at the General Election of November 2, 1999, on the question of whether or not such a tax should be imposed within the County.

NOW, THEREFORE, BE IT RESOLVED: by the Middlesex County Board of supervisors that a referendum shall be conducted of the electorate of said County on November 2, 1999, to determine whether or not said electorate would favor the imposition of a Food and Beverage Tax, as hereinabove

described, within the County:

and

BE IT FURTHER RESOLVED: That the County Attorney is hereby authorized and directed to prepare and file, on behalf of said Board, the necessary documents with the Circuit Court of said County to cause the aforesaid referendum on November 2, 1999, and in conjunction with the County Administrator, to do all things which may be required to bring about said referendum.

A Copy Teste:

Charles M. Culley, Jr., County Administrator

HEALTH INSURANCE

Mr. Culley presented quotes received from companies to provide health insurance to county employees. The quotes still show a significant increase over last year's rates from American Medical. There is a possibility that the County could join with the School's employee group for coverage by Trigon, however, it could raise the School employees' rates. Contributions to the plan by the two groups would also have to be equal.

John Thomas, the County's insurance consultant, was instructed to contact the School's insurance representative for a quote for County participation in their plan. The motion for the County to cover the increase in premiums for the month of September for employees on the current plan was made by Mr. Jessie, seconded by Mrs. Weber and carried unanimously.

DISBURSEMENTS

The motion to approve disbursements for June was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: checks numbered 33212 - 33213 totaling \$8,151.00.

SEPTIC SYSTEM REGULATIONS

Mr. Culley advised the Board that letters regarding the new septic system regulations had been sent to the Northern Neck and Middle Peninsula Counties, along with the Virginia Association of Counties. Northumberland County administration had indicated it would be forwarding the letter on to their State legislators.

PROBATION AND PAROLE OFFICE

Mrs. Weber noted that the lease agreement had already been signed for relocating the probation and parole office to Gloucester County. The issue had been decided a year ago, without notification to the County.

SENIOR CENTER

Mr. Williams questioned information he had received that the Agency on Aging would have to move its senior center from the American Legion Building at Cooks Corner. Mr. Jessie indicated he would check into the matter.

DEPARTMENT OF AVIATION

Mr. Culley was asked to attend the August 25th meeting of the Virginia Aviation Board to defend the County's request for funding for improvements at Hummel Field.

CLOSED SESSION

The motion to convene in Closed Session with John Moore, Chairman of the School Board, for the following purpose was made by Mr. Williams, seconded by Mr. Miller and carried unanimously: discussion of land acquisition for school construction per exemption of §2.1-344.A3, Code of Virginia, as amended, to discuss or consider the acquisition of real property for a public purpose, where discussion in an open meeting would affect the bargaining position of the public body.

Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.1 and identified in the motion by which the closed meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action as a result of the Closed Session.

ADJOURN

There being no further business, the meeting recessed until the next regular meeting scheduled for September 7, 1999, beginning at 9:00 A.M.

Fred S. Crittenden, Chairman
Board of Supervisors