

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 21, 1999, 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

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

CALL TO ORDER

Mr. Crittenden called the meeting to order at 7:30 P.M. and opened with prayer.

MEETING WITH LEGISLATORS

Senator Bill Bolling and Delegate Harvey Morgan were present to update the Board on upcoming legislative matters. Items of concern expressed by the Board included:

- Lottery proceeds - supports split of proceeds with 50% to go to construction.
- Courthouses - not a proper function of judiciary to legislate and tax counties to fund new courthouse construction.
- Comprehensive Services - maintain funding levels. Bolling offered assistance with representation by court services unit representative.
- Landfills - supported putting percentage of fees into pool, with money to be provided to help old landfills close out.
- E911 funding - supported maintaining local control
- Local land use - land use decisions should remain with the local authority.
- Juvenile Detention - maintain funding levels for operation and maintenance
- Work release programs - support funding for these programs.

**PUBLIC HEARING - ZONING ORDINANCE AMENDMENT APPLICATION 99-02,
PROFESSIONAL OCCUPATIONS**

Mr. Wilson presented the application initiated by the Planning Commission to change the definition of "Professional Occupations" in the Zoning Ordinance. The proposed change would add "and other similar or like professions" to the definition and would allow greater discretion in determining what occupations could be classified as professional. At present, only those specifically listed in the definition are permitted.

Mr. Crittenden opened the public hearing for comments. Hearing none, the public portion of the hearing was closed. The motion to approve the recommended change to the definition of Professional Occupations was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

POLICE SERVICES AGREEMENT

Board members reviewed correspondence from the Town of Urbanna indicating that the Town Council had voted to approve a 90 day extension of the Police Services Agreement and had sent funding for this period. After the 90 day period, a review of the Sheriff's performance would be made. Sheriff-elect Abbott was present and agreed to abide by the extension for his department. The motion to approve a 90 day extension in the police services agreement between the County, Town and Sheriff was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

REGIONAL REASSESSMENT

A committee made of the Commissioners of the Revenue and the County Administrators from the Middle Peninsula counties has been meeting over the past six months to study and develop specifications for a study to determine the financial and technical feasibility of a regional real estate assessment approach. An offer has been received, based on a Request for Qualifications issued, that proposes to gather information from each county regarding current assessments and additional information from outside the Middle Peninsula area. An estimate for the cost to complete the study has been submitted as \$49,000.

It has been proposed that the Middle Peninsula PDC would pay for half of the study costs and that the local partners would pay for the other half. If all six Middle Peninsula counties participate, each share would be \$4,084. It has been proposed that at least four counties must participate to make it worthwhile to proceed.

The motion to participate in the study was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

ZONING ORDINANCE PROPOSAL - CIVIL PENALTIES

At their December 9, 1999 meeting, the Planning Commission approved a motion, to forward to the Board of Supervisors, language regarding adoption of an ordinance creating civil penalties for violations of specific provision of the Zoning Ordinance. With the use of civil penalties, a person is issued a summons to pay a fine in amounts established under the ordinance. Fines range from less than \$100 to \$3,000 as allowed by §15.2-2209 of the Code of Virginia, with greater fines allowed for violations of the Chesapeake Bay Act.

Mr. Wilson noted that civil penalties are not typically used as a first enforcement measure. Civil penalties are most often employed after a person has failed to comply

with the requirements of a notice of violation issued by the zoning administrator. It is proposed that the zoning administrator also obtain approval of the county attorney prior to issuing a civil penalty summons. This would discourage potential abuse of the civil penalty power. Citizens issued a civil penalty summons would still have the right of appeal before the court system.

The Board took no action at this time.

GENERATOR - WOODWARD BUILDING

Mr. Culley presented the Board with a recommendation for installation of a 25 KW propane generator including an automatic transfer switch at the Woodward Building. The existing 4 KW unit allows for only limited lighting and receptacle operation, is gasoline powered, and does not have the auto transfer switch. It would be more cost effective to have a new generator installed with the transfer switch at the same time as renovations are being made to the heating and air system in the building. The proposed unit would be large enough to support continuous operation of the telephones, fax machine, computers and heating and air conditioning for upstairs, enabling continuous operation in times of emergency and extended power outages.

The motion to approve the purchase of the 25 KW unit from Fleet Brothers, for \$10,200.00, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Other quotes received included: \$9,900 for a 20 KW unit and \$17,800.00 and \$17,050, for 35 KW units.

SITE PLAN APPLICATION 99-10, DELAWARE CORPORATION

Mr. Soberick advised that after further research into the tie vote scenario, it was his opinion that the 2-2-1 tie vote does not pass a motion, thereby it constitutes a denial of the motion. Action to approve the site plan is not passed.

APPOINTMENTS

Tidewater Resource, Conservation & Development Council - Mrs. Weber nominated Mathew Fleet to fill the term beginning January 1 (currently held by Betty Bray). Mr. Miller motioned that nominations be closed and a vote carried unanimously to accept the nomination.

Road Viewers - O. C. Shank and Amos Carver have been listed as appointments to this position. Mr. Jessie will provide a nomination from the Jamaica District at the January meeting.

Board of Equalization - Jim Berlinghoff, Saluda District; Pat Milby, Jamaica District; and Randy Blue, Pinetop District were appointed to the Board of Equalization. No action was taken regarding the setting of compensation at this time.

Industrial Development Authority - No action was taken at this time regarding two vacancies on this Board.

CLOSED MEETING

The motion to convene for a closed meeting to discuss personnel issues, pursuant to Code of Virginia, §2.1-344.a1, and consultation with legal counsel and discussion of matters involving pending litigation (airport and courthouse suits) pursuant to §2.1-344.a7, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Upon returning to open meeting, the following motion was made by Mr. Miller, seconded by Mrs. Weber 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.a1 and .a7 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 meeting.

COMMONWEALTH'S ATTORNEY - COMPUTERS

The Compensation Board has approved Mr. Ward's, Commonwealth Attorney, request to purchase two (2) computers for Y2K compliance, at a reimbursement rate of \$5,136. Mr. Ward has received a quote of \$5,147 for software and computer installation from O.A.S.I.S. The motion to approve the appropriation and payment for the computers was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

RADIO FREQUENCY APPLICATION

The motion to appropriate and pay an additional \$2,800 for the updated frequency application was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

ADJOURN

There being no further business, the motion to adjourn the meeting was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. The next meeting of the Board is scheduled for Tuesday, January 4, 1999, at 9:00 A.M. and will be the organizational meeting of the Board.

Fred S. Crittenden, Chairman
Board of Supervisors