

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, APRIL 18, 2000, 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

The Chairman, Mr. Miller, called the meeting to order at 7:30 P.M. and opened with prayer.

**PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-00-03, STEVEN AND
LaDONNA PFEFFER**

Mr. Wilson presented Application SP-00-03, an application for Special Exception requesting the keeping of up to eight (8) horses and the construction of two (2) 40' x 60' barns in a Residential (R) District. The property is located on State Route 1080, within Mariner's Woods Subdivision, at Tax Map 43A-1 and -3, the total of the two parcels is 71 acres. The Zoning Ordinance requires a minimum lot area of 1.5 acres per horse in addition to the minimum lot size requirement of the R District, therefore a minimum of 12.69 acres is required for the keeping of 8 horses in the R District. The existing property is heavily wooded. The applicant proposes to clear two pasture areas of a total of 15 acres. A site sketch submitted with the application identifies the preservation of a minimum 50-foot wooded buffer area surrounding the 10-acre pasture and a minimum 100-foot wooded buffer area surrounding the 5-acre pasture. The applicant currently does not reside at the property, however, an approved drainfield site and the application identifies the location of a proposed homesite.

The Planning Commission conducted a public hearing on April 13th on this application and unanimously recommended approval of the application with conditions outlined in a staff report. Mr. Miller opened the public hearing for comments. There being none from the public, the public portion of the hearing was closed. Mrs. Weber questioned whether or not Mariner's Woods Subdivision property had restrictive covenants. Mr. Wilson acknowledged that there were covenants, however, the County did not regulate or enforce these covenants. The motion to approve Application SP-

00-03 with the following conditions was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously:

- The applicant's establishment of a permanent residence on the property prior to the keeping of horses at the property. The construction of the proposed barns may not commence until an approved County Building Permit for the required residence has been issued.
- The subdivision approval and recordation of the required Boundary Line Adjustment Survey, as identified in the Planner's Staff Report, which combines the two parcels.
- The preservation of the wooded buffer areas surrounding the pastures as submitted in the application.

PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-00-04, GILBERT GILREATH

Mr. Wilson presented Application SP-00-04, a request from Gilbert Gilreath to permit the relocation of a service business to a property in the Low Density Rural (LDR) District. The applicant proposes to relocate his business, known as TOPS - The Other Phone Service, to Tax Map 28-153C, a 3.66 acre parcel, at Locust Hill. New construction includes a 16' x 40' single-story wood frame building to be connected to the deck area of an existing manufactured home located on the property. The applicant proposes to utilize the existing home's septic system and private well located on the property. Health Department review will be required to authorize the use of these systems by the proposed service business. Virginia Department of Transportation review will be required to authorize the use of the existing entrance or the permitting of an improved entrance based upon the proposed business use.

The Planning Commission held a public hearing on April 13th and voted unanimously to recommend approval based on several conditions. The Commission recommended that Mr. Gilreath be limited to a maximum of four business vehicles on the property, in lieu of screening requirements for outdoor storage of equipment or vehicles. The Commission concurred with other staff requirements of Health Department and Department of Transportation review and approval. Mr. Miller opened the public hearing for comments. There being no comments, the public portion of the hearing was closed.

The Board discussed the conditions as recommended by the Planning Commission and noted that they did not appear consistent with other applications where the Commission normally required screening. It was noted that keeping track of the number of vehicles would be difficult to enforce and such approval would also require Mr. Gilreath to make a new application should he wish to have an additional vehicle.

The motion to approve application SP-00-04, as recommended by Staff and with the following conditions, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously:

- Health Department review and approval
- VDOT review and approval
- The designation of an approved area on the property for the outdoor storage of any equipment and materials and vehicles. The storage area shall be screened, by either solid fence or evergreen planting providing total screening, from the view of public road and private right-of-ways and adjoining residential uses.

PUBLIC HEARING - ORDINANCE AMENDMENT APPLICATION #AM-00-01, SUBDIVISION AMENDMENTS

Mr. Wilson presented proposed amendments to the Subdivision ordinance, the primary purpose of which is to amend or rescind provisions of the Ordinance that are either incorrect or in conflict with other duly adopted County ordinances. The proposed amendments do not represent any substantive change to the minimum requirements and approval procedures for the subdividing of property. Proposed amendments are as follows:

2.1 Designation of Agent.

Current:

The County Administrator is hereby designated as the Agent, to whom responsibility for administration and enforcement of this ordinance is delegated. The Board of Supervisors may designate an alternate Agent, to whom the same responsibilities for administration and enforcement shall be delegated, to serve under such conditions and for a term as prescribed by the Board (amended 10/01/83)

Proposed Amendment:

The *Planning Director* is hereby designated as the Agent, to whom responsibility for administration and enforcement of this ordinance is delegated. The Board of Supervisors may designate an alternate Agent, to whom the same responsibilities for administration and enforcement shall be delegated, to serve under such conditions and for a term as prescribed by the Board (amended 10/01/83)

3.6 Fees.

Current:

There shall be a charge for the examination and approval or disapproval of every plat submitted. No plat shall be processed until the applicable fee, set by the Governing Body, has been paid by the subdivider.

Proposed Amendment:

There shall be a charge for the examination and approval or disapproval of every plat submitted. No plat shall be processed until the applicable fee, *in the amount established by the Governing Body under the Department of Community Development Fee Ordinance, as amended*, has been paid by the subdivider.

5. 1-A-4 Street Names.

Current:

Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on all plats and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the Governing Body.

Proposed Amendment:

Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on all plats. *All other requirements concerning the assignment and approval of street names under this ordinance shall be governed by and in accordance with the provisions of the Middlesex County Street Name, Street Sign and Addressing Ordinance, as amended.*

5.1-A-5 Street Signs.

Current:

Street identification signs of a design approved by the Agent shall be installed at all intersections.

Proposed Amendment:

Street identification signs of a design approved by the Agent shall be installed at all intersections. *The fabrication and installation of street signs required by this Ordinance shall be in conformance with the specifications of the Middlesex County Street Name, Street Sign and Addressing Ordinance, as amended.*

5. 1-G-4 Setbacks.

Current:

The setback line for any structure shall be a minimum of thirty-five (35) feet from street right-of-way line.

Proposed Amendment:

The minimum street and boundary line setback requirements for proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding setback regulations of the district as found in the Middlesex County Zoning Ordinance, as amended.

5.1-G-7 Lot Size.

Current:

Minimum lot width and minimum lot area shall be:

	Minimum Lot Width (feet)	Minimum Lot Area (sq. feet)
Community water supply <u>and</u> community sewage collection available	80	10,000
Community water supply <u>or</u> community sewage collection available	100	15,000
Neither Community water supply nor community sewage collection available	100	20,000

Proposed Amendment:

The minimum area and width of proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding lot area and width requirements of the district as found in the Middlesex County Zoning Ordinance, as amended.

5.1-I Solid Waste Collection.

Current:

In major subdivisions of fifteen (15) or more lots, the subdivider shall provide an easement no smaller than thirty (30) feet by thirty (30) feet, in a location approved by the Agent, for use by Middlesex County for solid waste collection activities. In lieu of such easement, the subdivider may dedicate a parcel of the same minimum dimensions to Middlesex County. (amended 9/10/80)

Proposed Amendment:

(Rescind)

6.1-A-3 Street Names.

Curent:

Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on all plats and shall be approved by the Agent. Names of existing streets shall not be changed except by approval of the Governing Body.

Proposed Amendment:

Proposed streets which are obviously in alignment with existing named streets shall bear the names of such existing streets. Names of proposed streets shall not duplicate existing street names, irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane, or court. Street names shall be indicated on all plats. *All other requirements concerning the assignment and approval of street names under this ordinance shall be governed by and in accordance with the provisions of the Middlesex County Street Name, Street Sign and Addressing Ordinance, as amended.*

6.1-A-5-a Identification of Private Streets.

Current:

The subdivider shall clearly distinguish private streets on the plat. He shall also post at the entrance to every private street a sign, approved as to design by the Agent, indicating that the street is private. Such sign shall be of permanent construction and shall be placed so as to be readily visible to motorists.

Proposed Amendment:

(Rescind)

6.4-D Setbacks.

Current:

The setback line for any structure shall be a minimum of thirty-five (35) feet from street right-of-way line.

Proposed Amendment:

The minimum street and boundary line setback requirements for proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding setback regulations of the district as found in the Middlesex County Zoning Ordinance, as amended.

6.4-G Lot Size.

Current:

Minimum lot width and minimum lot area shall be:

	Minimum Lot Width (feet)	Minimum Lot Area (sq. feet)
Community water supply <u>and</u> community sewage collection available	80	10,000
Community water supply <u>or</u> community sewage collection available	100	15,000

Neither Community water supply nor community
sewage collection available

100 20,000

Proposed Amendment:

The minimum area and width of proposed subdivision lots shall be determined by the zoning district classification of the property and the corresponding lot area and width requirements of the district as found in the Middlesex County Zoning Ordinance, as amended.

6.10 Minor Subdivisions Exemptions.

Current:

If every lot in a minor subdivision is three (3) acres or more in area, such subdivision shall be exempt from all the requirements of this ordinance, except Section 6.1-A-7 above. (amended 3/01/83)

Proposed Amendment:

(Rescind)

7.4 Fees.

Current:

The Governing Body shall establish a fee, not exceeding fifty dollars (\$50.00), for processing an application for vacation of plat.

Proposed Amendment:

(Rescind)

9.1 Words and Terms.

Current:

COMMISSION: The Middlesex County/Town of Urbanna Planning Commission.

Proposed Amendment:

COMMISSION: The Middlesex County Planning Commission.

The Planning Commission recommended approval of the ordinance amendments as presented. The Chairman opened the public hearing for comments. Lloyd Gammon questioned if the amendments required the changing of street names and signs already approved. Mr. Wilson responded that the Subdivision Ordinance did

not change any existing names. There being no further comments from the public, this portion of the hearing was closed.

Mr. Crittenden recommended that street identification signs be of a design recommended by the Agent, but approved by the Board of Supervisors. The motion to accept the amendments, with a change to Section 5.1-A-5 as recommended above, was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT

Mr. Wilson presented Zoning Ordinance Amendment #00-02, to amend Zoning Ordinance Section 16-2, Governmental Signs Excluded, to include volunteer fire departments and rescue squads within the meaning of the term "governmental function" as used in Article 16-2. This amendment was initiated by resolution of the Board of Supervisors. The Planning Commission voted unanimously to recommend approval of the amendment.

Mr. Miller opened the public hearing for comments on the proposed amendment. There being no comments, the public portion of the hearing was closed. The motion to adopt the amendment as proposed was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING - ADDRESSING ORDINANCE

Mr. Wilson presented the proposed addressing ordinance, which would provide for the assignment of names to streets and roads in Middlesex County and the posting of street signs and building numbers. An ordinance of this type is a required component of enhanced 911. The proposed ordinance does not include the Town of Urbanna, however, the Town will be asked to participate and endorse the ordinance.

Mr. Miller opened the public hearing for comments. Mr. Lloyd Gammon of Piankatank Shores questioned the expense for the subdivision associations to replace its street signs. Mr. Wilson noted that the initial cost to replace and install signs would be the County's. After that, it would be the subdivider's responsibility. There being no further comments, the public portion of the hearing was closed.

Mrs. Weber suggested adding Mr. Crittenden's comments regarding the approval of street names subject to the Board's approval. The motion to adopt the Addressing Ordinance, subject to the addition of language in Section 2, which authorizes the Planning Director or agent to assign names, *subject to the Board of Supervisor's approval*, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

AN ORDINANCE TO PROVIDE FOR THE ASSIGNMENT OF NAMES TO STREETS AND ROADS IN MIDDLESEX COUNTY AND THE POSTING OF STREET SIGNS AND BUILDING NUMBERS.

WHEREAS, the establishment of an Enhanced 9-1-1 emergency telephone system in Middlesex County has been approved by the Middlesex County Board of Supervisors; and

WHEREAS, the establishment of such system requires the assignment of names to all streets and roads in the county, the assignment of building numbers to all buildings having telephones and/or occupancies, and the erection of appropriate street signs at intersections; and

WHEREAS, a professional consultant experienced in comprehensive addressing has been employed to map streets and roads in Middlesex County and to assign building numbers to buildings in said county,

NOW, THEREFORE, BE IT ORDAINED:

SECTION 1. The "Middlesex County Road Name Index" to be adopted and filed in the Office of Planning and Community Development shall be the official listing of names for streets and roads in Middlesex County and such streets and roads are hereby assigned the names listed therein. As used in the ordinance, the terms "street" and "road" shall have the same meaning and shall also include avenues, boulevards, highways, lanes, ways, and similar street types.

SECTION 2. The Middlesex County Board of Supervisors, or their duly authorized agent as may be appointed, shall have the authority to assign names to any public or private road or street in the County which provides access to three or more occupied buildings.

SECTION 3. The County Planning Director, or his duly authorized agent, is hereby authorized to negotiate with residents along streets or roads bearing duplicate or confusingly similar names in the County. The changing of the names of such roads or streets to eliminate such duplications shall reside with the Middlesex County Board of Supervisors or their duly authorized agent as may be appointed.

SECTION 4. No street or road within the County shall be assigned a name on a subdivision plat or otherwise until such name is registered with the Planning Director, or his duly authorized agent, approved, and added to the "Middlesex County Road Name Index." The Planning Director, with the concurrence of the Middlesex County Board of Supervisors, shall have authority to refuse registration of any name already in use, confusingly similar to a name already registered, or deemed confusing for purposes of emergency response.

SECTION 5. No street or road name currently shown on a subdivision plat filed with the County or otherwise shall be implemented by a subdivision owner until such name has been registered with the Planning Director or his duly authorized agent, approved and added to the "Middlesex County Road Name Index" provided, however, that this section shall not apply to any road or street presently constructed on which street signs have been placed prior to the effective date of this ordinance. The Planning Director, with the concurrence of the Middlesex County Board of Supervisors, shall have the right to refuse registration of any name already in use, confusingly similar to a name already registered, or deemed confusing for purposes of emergency response.

SECTION 6. All new street signs erected within Middlesex County shall be in conformance with the specifications of this section, unless a variance is granted by the Virginia Department of Transportation (VDOT) or the Middlesex County Board of Supervisors. Street name signs for use on Primary routes and collector Secondary roads shall have a minimum height of nine (9) inches, a minimum width of thirty (30) inches and a maximum width of forty-eight (48) inches. Widths greater than forty-eight (48) inches may be allowed in special cases upon approval of the VDOT district traffic engineer. The standard letter height shall be six (6) inch Series C letters for the street name. The standard letter height of the suffix and prefix (if any) shall be three (3) inch Series C letters. Non-Standard letter height may be allowed in special cases upon approval of the VDOT district traffic engineer. A blank space at least 2.50 inches high and twelve (12) inches wide shall be provided in the lower right hand corner of the sign to accommodate a decal containing the appropriate route number. The VDOT shall be responsible for the fabrication and installation of the decal, which shall be white with a black legend consisting of two (2) inch letters/numerals and may be non-reflectORIZED.

Street name signs for use on local Secondary roads, subdivision streets and private roads assigned names under this ordinance shall have a minimum height of six (6) inches, a minimum width of twenty-four (24) inches and a maximum width of forty-two (42) inches. Widths greater than forty-two (42) inches may be allowed in special cases upon approval of the VDOT district traffic engineer. The standard letter height shall be four (4) inch Series C letters for the street name. The standard letter height of the suffix and prefix (if any) shall be two (2) inch Series C letters. Non-standard letter heights may be allowed in special cases upon approval from the VDOT district traffic engineer. A blank space at least 1.25 inches high and eight (8) inches wide shall be provided in the lower right hand corner of the sign to accommodate a decal containing the appropriate route number. The VDOT shall be responsible for the fabrication and installation of the decal, which shall be white with a black legend consisting of one (1) inch letters/numerals and may be non-reflectORIZED.

All street name signs in the County shall be fabricated with high intensity reflectORIZED sign sheeting. All sign text and numerals shall be white and the background of all signs shall be green. Signs at intersections of all public and private roads assigned names under this ordinance shall be mounted atop galvanized metal posts with the signs appearing at a height of not less than seven (7) feet above grade.

SECTION 7. The Planning Director is hereby authorized to direct the placement of street signs at intersection within the County, the initial costs of such signs to be appropriated from 9-1-1 telephone taxes as approved by the Middlesex County Board of Supervisors.

SECTION 8. The owner of any subdivision or other development shall erect or cause to be erected street signs in conformance with this ordinance at any and all intersections within such subdivision or development upon the construction of any street on or after the effective date of this ordinance. Where any subdivision owner is currently required to erect street signs but has failed to do so, the future erection of street signs shall be in conformance with this ordinance.

SECTION 9. All properties or parcels of land within Middlesex County shall hereafter be identified by reference to a uniform numbering system, as shown on maps filed in the Office of

Planning and Community Development. Said maps and the explanatory matter thereon are hereby adopted and made a part of this ordinance.

SECTION 10. A house or building number shall be assigned to each dwelling or other building in the County. The combination of such numbers and the road or street name shall be the official address of such dwelling or building. Such location shall serve as the official mailing address for postal patrons receiving home or rural delivery.

SECTION 11. When each house or building has been assigned its respective numerical street address, the owner, occupant, or agent shall place or cause to be placed upon each house or building controlled by him the number or numbers assigned under the uniform numbering system. The number or numbers shall be placed in accordance with the provisions as are herein contained. Such numbers shall be placed on existing buildings within sixty (60) days of notification of the assigned address.

Numerical street addresses shall be placed on new buildings prior to the issuance of a Certificate of Occupancy for the structure by the Middlesex County Building Official. Such addresses shall be placed in accordance with the provisions as contained herein. The cost of posting the address shall be the responsibility of the property owner.

SECTION 12. Street address numbers for residences shall be at least three (3) inches in height and shall be made of a durable and clearly visible material. The numbers shall be conspicuously placed on, above, or at the side of the main entrance so that the number is discernible from the street. Whenever a residence is more than seventy-five (75) feet from the street, or when the entrance is not visible from the street, the number shall be placed along a walk, driveway, or other suitable location so that the address number is discernible from the street. Street address numbers shall be of a contrasting color to the background on which they are mounted.

SECTION 13. Street address numbers for commercial and industrial structures shall be at least four (4) inches in height if located within seventy-five (75) feet of a roadway or at least ten (10) inches in height if located greater than seventy-five (75) feet from the street. The number shall be placed above or on the main entrance to the structure when possible. If such number is not visible from the street, the number shall be placed along a driveway or on a sign visible from the street.

SECTION 14. Apartments and similar complexes assigned a single building number shall display address numbers on each assigned structure using numbers having a minimum height of eight (8) inches. Trailer parks and similar complexes assigned a single building number shall display the assigned number at the main entranceway using numbers having a minimum height of eight (8) inches. Numbers or letters for individual apartments, trailers, or units within these complexes shall be displayed on, above, or to the side of the main doorway of each apartment, trailer, or unit, and shall be at least three (3) inches in height.

SECTION 15. Whenever any house, building, or structure shall be erected or located after the initial establishment of the uniform numbering system as provided herein, it shall be the duty of the property owner to procure the correct number or numbers for the said property and to affix

said numbers to said building in accordance with this ordinance. An application for a building permit for a new building shall be considered an application for an address assignment. The Building Official shall coordinate the application with the designated agent of the Planning Director responsible for the assignment of addresses, and forward the assigned address to the applicant not later than sixty (60) days following issuance of said permit. The applicant shall be required to furnish such measurements in relation to other properties or intersections as shall be deemed necessary for assignment of a valid address.

SECTION 16. In applying the guidelines specified herein, the Planning Director, or his authorized agent, shall have the authority to make minor adjustments and modifications to ensure a logical and efficient street address system.

SECTION 17. The provisions of this ordinance shall be applicable in all areas of Middlesex County outside of the incorporated limits of the Town of Urbanna. The provisions of this ordinance shall be applicable within the Town of Urbanna if the Urbanna Town Council adopts and endorses this ordinance by resolution. If adopted by the Town, the location of each dwelling or building shall be the combination of the house number and street name assigned from time to time by the Town Council or its agent.

SECTION 18. Whenever the Planning Director, or his authorized agent, has reason to believe there has been or there exists a violation of this ordinance, he shall give written notice of such violation to the person failing to comply, and order said person to take corrective measures within thirty (30) days from the date of notification. If such person fails to comply with the duly issued order, the Planning Director, or his agent, shall initiate necessary actions to terminate the violation through criminal or civil measures.

SECTION 19. Any violation of this ordinance shall constitute a Class 4 misdemeanor. Subsequent to the thirty (30) day period following notification of violation, each day of violation shall constitute a separate violation.

SECTION 20. This ordinance shall become effective immediately upon its adoption.

ANIMAL CONTROL

Mr. Culley presented a proposed Animal Control Ordinance, which repeals and combines three of the County's four dog control ordinances into one. This is seen as a housekeeping measure. The proposed ordinance does increase the fee for impoundment from \$10 to \$25 and the board fee from \$4 to \$10 per day, or any portion thereof. This combined ordinance does not change the current dog control ordinance the County has adopted for Piankatank Shores.

Mr. Miller opened the hearing for comments from the public. Mr. Lloyd Gammon concurred with the adoption of new fees and suggested that payment of the higher fees may help prevent some repeat offenders. There being no further comments, Mr. Miller closed the hearing to the public. Mr. Soberick requested that some language describing punishments of Class 4 and Class 1 misdemeanors not be

listed in Article VIII, Section 8.01, Penalty for Violation of Ordinance. Mrs. Weber requested copies of monthly reports from the Animal Control officer.

The motion to adopt the Middlesex County Animal Control Ordinance as follows was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously:

AN ORDINANCE ESTABLISHING THE OFFICE OF DOG WARDEN, DEFINING THE DUTIES OF SAID OFFICE, PROVIDING FOR THE MAINTENANCE OF A COUNTY DOG POUND, AND PROVIDING FOR THE DETENTION AND DESTRUCTION OF DOGS; TO REQUIRE RABIES VACCINATIONS FOR DOGS, TO PROVIDE FOR AN ANNUAL DOG LICENSE TAX, TO PROVIDE FOR CONTROL OF UNLICENSED AND UNVACCINATED DOGS, TO PROVIDE AND ENFORCE MEANS OF CONTROL OVER VICIOUS OR RABID ANIMALS AND ANIMALS SUSPECTED OF BEING RABID, TO CONTROL VICIOUS AND DESTRUCTIVE DOGS IN MIDDLESEX COUNTY; AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE PURSUANT TO TITLE 3.1, CHAPTER 27.4, ARTICLES 4 AND 5 OF THE CODE OF VIRGINIA 1950, AS AMENDED.

TITLE

Short Title.

Ordinance Title:

This ordinance shall be known and may be cited as the "Middlesex County Animal Control Ordinance."

Repeal of Existing Ordinances:

The ordinance to require rabies vaccinations for dogs, to provide for an annual dog license tax, to establish a county dog fund and provide for its disposition, to provide for control of unlicensed and unvaccinated dogs, to provide and enforce means of control over vicious or rabid animals and animals suspected of being rabid, and to provide penalties for violation of this ordinance, pursuant to Title 29, Chapter 9.2 of the Code of Virginia, 1950, as amended, adopted March 24, 1980; the ordinance establishing the office of dog warden, defining the duties of said office, providing for the maintenance of a county dog pound, and providing for the detention and destruction of dogs; and the ordinance to control vicious and destructive dogs in Middlesex County adopted April 28, 1993 are hereby repealed in their entirety.

Effective Date:

This ordinance shall be in full force and effect at and after 12:01 a.m. on April 19, 2000.

OFFICE OF DOG WARDEN

Office Created.

Office Established

The office of dog warden of the County of Middlesex is hereby established.

Appointment and term of office:

The dog warden shall be appointed in the manner and for the term provided by law, pursuant to Section § 3.1-796.104 of the Code of Virginia, 1950, as amended.

Compensation:

The dog warden shall receive such compensation and allowance for the expenses of his office as the Board of Supervisors shall authorize from time to time by annual appropriation ordinance, or other action in regard thereto, at such periods as may be prescribed by the Board.

Powers and duties generally.

General Duties:

The dog warden shall have the powers and perform the duties prescribed by law for county dog wardens and deputy dog wardens. He shall exercise such other authority and perform such other duties with respect to dog inspection and dog law enforcement as provided herein and as the Board of Supervisors may from time to time direct.

Reports:

The dog warden shall report to the Assistant County Administrator on a monthly basis, , and more often, if directed to do so, concerning dog inspection activities and dog law enforcement in the County of Middlesex, and shall communicate such suggestions and recommendations as he deems necessary for the efficient enforcement of the dog laws.

Investigations:

The dog warden shall investigate all complaints made against dogs in Middlesex County, and shall investigate all claims for compensation filed with the Board of Supervisors by owners of livestock or poultry killed or injured by dogs.

Pound to be Maintained:

The dog warden shall maintain at the expense of the County of Middlesex at such place as the Board of Supervisors may direct, a dog pound or enclosure of a type approved by the Department of Agriculture and Consumer Services.

When Dogs to be Confined:

Any dog found by the dog warden to be kept or running at large in violation of law, or of any ordinance or regulation heretofore or hereafter enacted or promulgated by the Board of Supervisors, or of any regulation duly promulgated by any State or County agency, shall be confined by the dog warden in the County dog pound for maintenance and disposition according to law.

Owners to be Notified:

Upon the confinement in the County dog pound of any licensed dog, or any other dog whose ownership is known to the dog warden, the dog warden shall give to the owner of such dog, by such means as to him seems most effective, notice of said dog's confinement and the reason for such confinement.

Disposition of Unclaimed Dogs:

Any dog confined in the County dog pound and not held for other disposition as provided by law shall, unless reclaimed by the owner of such dog within a period of five days after such confinement, be humanely destroyed or otherwise disposed of by the dog warden.

Disposal of Disabled Dogs:

The dog warden shall humanely destroy any disabled or infirm dog found by him or reported to him to have been left maimed, diseased, disabled or infirm in any street, road or public place, and shall destroy any other maimed, diseased, disabled or infirm dog at the request of the owner thereof.

Disposal of Dead Dogs:

The owner of any companion animal which has died from disease or other cause shall forthwith cremate, bury, or sanitarily dispose of the same. If, after notice, any owner fails to do so, the dog warden shall, at the request of the owner thereof, or of any officer or other person in the County of Middlesex entitled to make such request by law, cremate, bury, or sanitarily dispose of such animal. The dog warden shall cremate, bury, or sanitarily dispose of any dog required to be destroyed by him. Charges for services.

Charges for services.

Charges for Services of Dog Warden:

The owner of any dog confined in the County dog pound who is entitled to reclaim such dog shall, before such dog is delivered to him by the dog warden, pay such charge as established by the Board of Supervisors for daily maintenance of dogs in said pound; provided, that no charge shall be made for the detention of any dog held under any law, ordinance or regulation to prevent the spread of rabies, unless required by such law, ordinance or regulation. The owner of any dog that is destroyed, cremated, buried or sanitarily disposed of at the request of such owner shall pay for such service such charge as the Board of Supervisors may from time to time establish.

Collection and Disposition of Charges:

All sums received for the maintenance, destruction and cremation, burial, or sanitary disposal of dogs under the provisions of this ordinance shall be collected and reported by the dog warden to the Assistant County Administrator.

LICENSE TAX

Licensing.

Licensing of Dogs Required:

It shall be unlawful for any person to own a dog four months of age or older in Middlesex County, unless such dog is licensed, pursuant to Section §3.1-796.85 of the Code of Virginia, 1950, as amended. Any person may obtain a dog license by making application to the County Treasurer, accompanied by the amount of the license tax and the certificate of vaccination required by this ordinance.

License Tax Imposed:

An annual license tax is hereby imposed on the ownership of dogs and the operation of kennels within Middlesex County. No license tax shall be levied on any dog that is trained and serves as a guide dog for a blind person or that is trained and serves as a hearing dog for a deaf or hearing impaired person or that is trained and serves as a service dog for a mobility-impaired person; however, any such dog shall be

required to wear a license tag as required by Section §3.01 (e) herein, which such tag may be obtained from the Treasurer at no cost upon presentation of a valid rabies vaccination certificate. The term "hearing dog" shall mean a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond, and "service dog" means a dog trained to accompany its owner for the purpose of carrying items, retrieving objects, pulling a wheelchair or other such activities of service or support.

Amount of License Tax:

The amount of the annual license tax shall be: four dollars (\$4.00) for male dogs, four dollars (\$4.00) for spayed or neutered dogs, five dollars (\$5.00) for female dogs, twenty-five dollars (\$25.00) for a kennel of up to twenty (20) dogs, and thirty-five dollars (\$35.00) for a kennel of twenty-one (21) to fifty (50) dogs.

When License Tax Payable:

On January first and not later than January thirty-first of each year, the owner of any dog four months old and older shall pay the license tax prescribed by Sections §3.01 (b) and (c) of this ordinance. If a dog shall become four months of age or come into the possession of any person between January first and October thirty-first of any year, the license tax for the current calendar year shall be paid forthwith by the owner. If a dog shall become four months of age or come into the possession of any person between November first and December thirty-first of any year, the license tax for the succeeding calendar year shall be paid forthwith by the owner and such license shall protect such dog from the date of purchase.

Dog License:

A dog license shall consist of a license receipt and a metal tag. The tag shall be stamped or otherwise permanently marked to show the jurisdiction issuing the license and the calendar year for which issued and bear a serial number. The tag may be stamped or otherwise marked to show the sex of the dog. Dog license receipts shall be carefully preserved by the licensees and exhibited promptly on request for inspection by the County Animal Warden or by any other County officer. Dog license tags shall be securely fastened to a substantial collar by the owner or custodian, and worn by such dog, and it shall be unlawful for the owner to permit any licensed dog four months old or over to run or roam at large at any time without a license tag. The owner of the dog may remove the license tag required by this section: (a) when the dog is engaged in lawful hunting, (b) when the dog is competing in a dog show, (c) when the dog has a skin condition which would be exacerbated by the wearing of a collar, (d) when the dog is confined, or (e) when the dog is under the immediate control of its owner. Any dog not wearing a collar bearing a license tag of the proper calendar year shall prima facie be deemed to be unlicensed and in any proceedings under this ordinance the burden of proof of the fact that such dog has been licensed, or is otherwise not required to bear a tag at the time, shall be on the owner of the dog.

Duplicate License Tags:

If a dog license shall become lost, destroyed, or stolen, the owner or custodian shall at once apply to the Treasurer who issued the same for a duplicate license tag, presenting the original license receipt. Upon affidavit of the owner or custodian before the Treasurer that the original license tag has been lost, destroyed, or stolen, a duplicate license tag shall be issued which the owner or custodian shall immediately affix to the collar of the dog. The fee for a duplicate tag for any dog shall be one dollar (\$1.00).

Funds Collected from License Tax.

Disposition of Funds:

Funds collected from the issuance of dog licenses shall be used for the following purposes:

- (a) The salary and expenses of the Animal Warden;*
- (b) The care and maintenance of a dog pound;*
- (c) The maintenance of a rabies control program; and*
- (d) Payments for compensation as provided in Section §6.02(b) of this ordinance.*

DOG POUND

Maintenance and Operation.

Dog Pound to be Maintained:

A dog pound shall be maintained in the County in accordance with guidelines issued by the Department of Agriculture and Consumer Services. The Animal Warden shall be charged with supervision of the dog pound.

Boarding Charge:

A boarding charge of ten dollars (\$10.00) per diem shall be paid by the owner or other person claiming any animal which has been confined in the County dog pound. Confinement and Disposition of Animals:

Confinement and Disposition of Animals:

All unlicensed, unvaccinated, or stray dogs shall be impounded in the County dog pound for not less than five (5) days, such period to commence on the day immediately following the day the dog is initially confined. At the end of such period, any unclaimed animal may be destroyed or otherwise disposed of as provided in Section §3.1-796.96 of the Code of Virginia, 1950, as amended.

RABIES CONTROL

Reporting and Treatment.

Reporting Animal with Rabies:

Every person having knowledge of the existence of an animal apparently afflicted with rabies shall report immediately to the Middlesex County Health Department the existence of such animal, the place where seen, the owner's name if known, and the symptoms suggesting rabies.

Confinement and Destruction of Dogs:

Dogs showing active signs of rabies or suspected of having rabies shall be confined in the County dog pound for such a time as may be necessary to determine a diagnosis. If confinement is impossible or impracticable, such dog shall be destroyed.

Any dog bitten, by an animal believed to be afflicted with rabies shall be destroyed immediately or confined in the County dog pound for a period not to exceed six (6) months at the expense of the owner; provided that if the bitten dog has been vaccinated against rabies within one year, the dog shall be re-vaccinated and confined to the premises of the owner for thirty (30) days.

At the discretion of the Director of the Middlesex County Health Department, any animal which has bitten a person shall be confined under competent observation for ten (10) days, unless the animal develops active symptoms of rabies or expires before that time.

Rabies Control.

Rabies Inoculation Required:

No license tag shall be issued for any dog unless there is presented to the Treasurer at the time application for license is made, evidence satisfactory to him/her showing that such dog has been inoculated or vaccinated against rabies by a currently licensed veterinarian. The expense of vaccinating dogs shall be borne by their owners.

Rabies Clinics:

A rabies clinic shall be held at least once per year in the County in order to provide dog owners adequate opportunity to obtain required inoculations for their dogs. Fees to be charged for inoculations at such clinic shall be set by resolution of the Board of Supervisors.

VICIOUS OR DANGEROUS DOGS

Definitions.

Definitions:

Companion Animal: *For the purpose of this ordinance, the definition of companion animal shall comply with Section §3.1-796.66 of the Code of Virginia, 1950, as amended.*

Dangerous Dog: *For the purpose of this ordinance, dangerous dog means a canine or canine crossbreed which has bitten, attacked, or inflicted injury on a person or companion animal, other than a dog, or killed a companion animal.*

Destructive Dog: *For the purpose of this ordinance, a destructive dog shall mean any dog which pulls, tears, digs up, cuts, breaks, injures, damages or destroys any real or personal property of another or attempts to pull, tear, dig up, cut, break, injure, damage, or destroy any real or personal property of another.*

Vicious Dog: For the purpose of this ordinance, a vicious dog means a canine or canine crossbreed which has (i) killed a person; (ii) inflicted serious injury to a person, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or (iii) continued to exhibit the behavior which resulted in a previous finding by a court that it is a dangerous dog, providing that its owner has been given notice of that finding.

Running at Large: For the purpose of this ordinance, a dog shall be deemed to run at large while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control.

Vicious or Dangerous Dogs Prohibited in County:

Vicious or dangerous dogs shall not be allowed in Middlesex County. Such dogs, upon proof satisfactory to the Middlesex County Circuit Court, shall be impounded and destroyed as provided in Section §3.1-796.119 of the Code of Virginia, 1950, as amended.

However, no canine or canine crossbreed shall be found to be a dangerous dog or vicious dog solely because it is a particular breed, nor shall the ownership of a particular breed of canine or canine crossbreed be prohibited. No animal shall be found to be a dangerous dog or vicious dog if the threat, injury or damage was sustained by a person who was (i) committing, at the time, a crime upon the premises occupied by the animal's owner or custodian, (ii) committing, at the time, a willful trespass or other tort upon the premises occupied by the animal's owner or custodian or (iii) provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog which was engaged in the performance of its duties as such at the time of the acts complained of shall be found to be a dangerous dog or a vicious dog. No animal which, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, or its owner or owner's property, shall be found to be a dangerous dog or a vicious dog, pursuant to Section §3.1-796.93:1 of the Code of Virginia, 1950, as amended.

Attack Animals Prohibited in County:

It shall be unlawful for any person to train dogs to attack, on residential property in Middlesex County. As used in this section, "attack" means to attack or respond aggressively, either with or without command. This section shall exempt from its provisions the training of dogs owned by any person who resides on the property, pursuant to Section §3.1-796.93:2 of the Code of Virginia, 1950, as amended.

Reciprocity for Killing or Injuring Livestock or Poultry.

Dogs Killing or Injuring Livestock or Poultry:

Any dog caught, or suspected of, killing or injuring livestock or poultry shall be dealt with as provided in Section §3.1-796.116 of the Code of Virginia, 1950, as amended.

Compensation for Livestock and Poultry Killed by Dogs:

Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$400 per animal or \$10 per fowl, provided that: (a) the claimant has furnished evidence within sixty (60) days of discovery of the quantity and value of the dead or injured livestock and the reasons the claimant believes that death or injury was caused by a dog; (b) the Animal Warden or other officer shall have been notified of the incident within seventy-two (72) hours of its discovery; and (c) the claimant has first exhausted his legal

remedies against the owner, if known, of the dog doing the damage for which compensation is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied. The requirements of (b) and (c) shall be waived provided that the Animal Warden has conducted an investigation which supports the claim.

VICIOUS AND DESTRUCTIVE DOGS

Criteria for the Control of Vicious or Destructive Dogs.

Control Measures:

It shall be unlawful for any person who owns or is the custodian of any vicious or destructive dog or dogs to allow such dog or dogs to run at large at any time in the County of Middlesex, Virginia.

Notification of Animal Warden:

Any citizen who encounters a vicious or destructive dog as defined under this ordinance may notify the County Animal Warden. Notification shall be in writing identifying the animal and owner if at all possible.

Such person shall also present themselves upon request of the County Animal Warden before any court of competent jurisdiction to testify as to the circumstances known to them which gave rise to the complaint of the vicious or destructive dog.

Apprehension and Disposition of Vicious and Destructive Dogs; Fees to be Paid.

Apprehension & Custodial Care:

Any vicious or destructive dog as defined under this ordinance may be apprehended and placed in the County dog shelter for safe keeping and may be reclaimed by the owner or custodian upon showing satisfactory proof that he is the owner or custodian of said dog and upon payment of an impoundment fee of twenty-five dollars (\$25.00) and a board fee of ten dollars (\$10.00) per day, or any portion thereof, which the dog is so confined.

Animal Warden to Enforce Ordinance.

Enforcement:

It shall be the duty of the Animal Warden of the County to enforce the provisions of this ordinance.

PENALTIES

Penalty for Violation of Ordinance.

Penalties:

A. A violation of Article VII of this ordinance shall be punishable as a Class 3 misdemeanor.

- B. *In the event the same animal is cited and a conviction results for the violation of this ordinance three times, then: (1) the dog must be removed from the County of Middlesex, never to return, or, (2) the animal shall be put down by the County.*

The following acts shall be deemed violations of this ordinance, shall constitute Class 4 misdemeanors.

- (a) For any person to make a false statement in order to secure a dog license to which he is not entitled.*
- (b) For any dog owner to fail to pay the license tax required by Sections §3.01 (b) and (c) of this ordinance before February first for the first year in which it is due. In addition, the court may order confiscation and the proper disposition of the dog.*
- (c) For any person to fail to obey parts of this ordinance pertaining to rabies inoculations and reporting of rabid animals.*
- (d) For the owner of any dog with a contagious or infectious disease to permit such dog to stray from his premises if such disease is known to the owner.*
- (e) For any person, except the owner or custodian, to remove a legally acquired license tag from a dog.*
- (f) For any person to conceal or harbor any dog on which the license tax has not been paid, or to conceal a mad dog to keep the same from being killed.*
- (g) Any other violation of this ordinance not specifically listed in (a) through (f) above.*

The following act shall constitute a Class 1 misdemeanor.

- (a) For any person to present a false claim or to receive any money on a false claim under the provisions of Section §6.02 (b) of this ordinance.*

CONSTITUTIONALITY

Constitutionality.

Constitutionality:

Should any article, section, subsection, paragraph, clause, or other provision of this ordinance be decided by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so held to be unconstitutional or invalid.

SPECIAL EXCEPTION APPLICATION SP-00-02, CO-LOCATION ON TOWER BY SPRINT

Mr. Wilson requested the Board's approval of the Special Exception Application. Action had been tabled from the Board's March 21st meeting, pending receipt of a letter from SBA acknowledging that they will give the County access to tower space on the tower they purchased from Sprint. After much discussion, Mr. Kruger, representing Sprint, noted his objection to the Board's tabling the decision. Mr. Kruger explained that the tower now owned by SBA had nothing to do with the one owned by GTE that Sprint was requesting to co-locate on. Board members requested Mr. Kruger's assistance in obtaining the guarantee from SBA regarding the County's co-location.

The motion to approve the application for co-location conditioned on the following was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously:

- receipt of a letter from SBA, in a form acceptable by the County Attorney, guaranteeing the County's ability to co-locate on the SBA tower
- no building permit for Sprint's co-location will be issued until the above letter is received.

BUDGET

Appropriation Resolution:

Mrs. Weber questioned the amount in the resolution for legal services. Mr. Culley noted that the total budget for legal services was level funded, however, a 4% increase was included in the budget for Mr. Soberick's salary.

The motion to adopt the 2000-2001 Appropriation Resolution, which includes the appropriation of General Fund totaling \$11,300,242 and the E911 Fund, totaling \$97,538.00, as follows, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously:

**2000 2001 MIDDLESEX COUNTY BUDGET
APPROPRIATION RESOLUTION**

WHEREAS, the Middlesex County Board of Supervisors has heretofore prepared a Budget for information and fiscal planning purposes only; and

WHEREAS, it is now necessary to appropriate sufficient funds for the contemplated expenditures as are contained in the Budget;

NOW, THEREFORE BE IT RESOLVED, by the Middlesex County Board of Supervisors that the Budget for 2000-2001 be approved and appropriations for the General Fund be made as follows:

COUNTY GENERAL FUND APPROPRIATIONS

	<u>FY 00-01 Budget</u>
10010 Total Capital Outlay	295,977.00
10020 Total County Airport	91,374.00
11010 Total Board Of Supervisors	72,060.00
12010 Total County Administrator	176,029.00
12040 Total Legal Services	42,500.00
12080 Total Independent Auditor	18,500.00
12090 Total Commissioner of Revenue	180,689.00
12100 Total Assessor	25,000.00
12130 Total Treasurer	176,622.00
12190 Total Insurance/Risk Management	66,100.00
12200 Total Data Processing	65,200.00
13010 Total Electoral Board	22,127.00
13020 Total Registrar	38,731.00
21010 Total Circuit Court	33,380.00
21020 Total General District Court	9,350.00
21030 Total Juv&Dom Rel Ct Services Unit	18,140.00
21040 Total Magistrate	7,075.00
21050 Total Merrimac Center	34,656.00
21060 Total Circuit Court Clerk	158,846.00
21100 Total Juvenile Court	8,465.00
22010 Total Commonwealth's Attorney	78,428.00
31020 Total Sheriff	686,647.00
31030 Total Town Police	40,006.00
31040 Total Drug Investigator	
31050 Total Deltaville/Cops Deputy	38,036.00
31060 Total School Officer	32,770.00
32010 Total Volunteer Fire Departments	115,076.00
32030 Total Rescue Squads	74,916.00
32040 Total EMS Training	5,000.00
33010 Total Regional Jail	729,756.00
34010 Total Building Inspector	110,781.00
35010 Total Animal Control	30,523.00
35030 Total Medical Examiner	500.00
36050 Total Emergency Services	11,700.00
36090 Total E911(Transfer from E911 Fund)	97,538.00
42020 Total Street & Road Cleaning	500.00
42030 Total Convenience Centers	82,508.00
42060 Total Refuse Disposal	3,000.00
42070 Total VPPSA	611,339.00
43020 Total General Properties	206,259.00
43040 Total Holly Point	2,500.00
43050 Total Canoe House Landing	500.00
51010 Total Health	131,331.00

51050	Total Hospitals	200.00
52010	Total Mental Health	22,560.00
53010	Total Welfare	829,082.00
53050	Total Chesapeake Bay Agency On Aging	5,500.00
53060	Total Disabilities Services Board	2,000.00
53090	Total Virginia Housing Development	950.00
53100	Total Vocational Rehab. Centers	4,543.00
53120	Total Gloucester-Mathews Humane	5,250.00
53150	Total Comprehensive Services	415,000.00
60000	Total Education	4,255.00
63200	Total VA School League Activities	3,000.00
71010	Total Parks & Recreation	34,475.00
71040	Total Sports Complex	24,000.00
72020	Total Museum	2,931.00
72090	Total Welcome Center	
73020	Total Regional Library	73,245.00
81010	Total Planning	79,797.00
81040	Total Zoning Administration	47,867.00
81050	Total Industrial Development Authority	2,300.00
81060	Total Board of Zoning Appeals	5,350.00
81070	Total Anniversary Committee	
82030	Total Soil & Water Conservation	2,100.00
82040	Total Environmental Enforcement/Wetlands	45,457.00
82050	Total Forestry Service	2,492.00
82070	Total Litter Control	
83030	Total Cooperative Extension Service	31,500.00
99010	Total Transfers Out	5,025,953.00
Total General Fund Expenses		11,300,242.00

Salaries for County Employees:

The motion to adopt the following salaries for County employees for 2000-2001, was made by Mr. Crittenden and seconded by Mr. Jessie. The vote that followed, carried the motion by 3-2 (Williams and Weber voting opposed).

**MIDDLESEX COUNTY EMPLOYEES
SALARY INCREASES
EFFECTIVE JULY 1, 2000**

<u>Department</u>	<u>Name</u>	<u>Current Salary</u>	<u>4% Inc.</u>
10020	Cliff Heiser	6.30	6.55
10020	Tommy McCoy	6.00	6.24

10020	Colleen Miller	6.18	6.43
12010	Charles Culley	\$55,884.00	
12010	Marcia Jones	\$30,845.00	\$32,079.00
12010	Betty Callis	\$22,594.00	\$23,498.00
12010	Etta Taylor	7.35	7.65
12040	Michael Soberick	\$32,448.00	\$33,746.00
34010	David Selph	\$33,298.00	\$34,630.00
34010	Robert McMurtrie	\$23,793.00	\$26,745.00*
34010	Shirley Hart	\$18,443.00	\$19,181.00
35010	Alan Collier	\$11,680.00	\$12,148.00
35010	Jerome Sibley	7.05	7.33
36090	Kevin Jordan	\$22,500.00	\$23,400.00
42030	Walter Collins	5.84	6.07
42030	Jeannette Langford	6.56	6.82
42030	Renell Kennard	6.56	6.82
42030	Mary Bowling	5.90	6.14
42030	Robert Dail	5.90	6.14
42030	Pearl Walker	5.84	6.07
42030	Kendrick Walker	5.84	6.07
42030	Kathy Miller	5.84	6.07
42030	Lansing Fulcher	5.84	6.07
43020	Roberta Osbourne	\$13,922.00	\$14,479.00
43020	Tommy Turner	6.00	6.24
43020	Diana Nicholas	6.83	7.10
43020	John Blake	10.00	10.40
71010	Karen Reed	\$17,449.00	\$18,147.00
81010	Tim Wilson	\$39,267.00	\$40,942.00
81040	Secretary	\$20,547.00	lower than current
81040	Alan Collier	\$ 7,787.00	\$ 8,098.00

81060	Thomas Jordan	\$23,100.00	\$26,024.00*
81060	Ulman Miller	\$900.00	\$900.00
81060	Sherman Holmes	\$1,500.00	\$1,500.00
81060	Elliott Reed	\$900.00	\$900.00
81060	Dale Taylor	\$900.00	\$900.00
81060	Woodson Armstead	\$900.00	\$900.00

* Salaries include 4% plus \$2,000 from Coastal Resource Management Grant previously approved by the Board of Supervisors

APPROPRIATION REQUESTS

Humane Society

The motion to approve the appropriation of \$75.00, received from the State from persons purchasing Animal Friendly license plates, was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. This money will be forwarded to the Humane Society for use in their sterilization program. TO: 4-1-53120-5604, \$75.00; FROM: 3-1-24040-0100.

Sports Complex

Action was deferred regarding a request to appropriate the funds the County would have used for grass cutting at the sports complex.

FEMA Reimbursement:

A total of \$5,927.51 was received as reimbursement from Hurricane Floyd. The motion to approve the appropriation of funds and the payment to various County employees and agencies was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. Funds will be appropriated FROM: 3-1-24040-0040, TO:

DEPARTMENT/LINE	CATEGORY	AMOUNT
32010-1001	Compensation - Sheriff's Dept.	572.00
32010-2001	FICA - Sheriff's Dept.	43.76
12010-1003	Compensation - PT - County Administration	110.76
12010-1001	Compensation - County Administration	551.53
12010-2001	FICA - County Administration	47.86
81010-1001	Compensation - Planning Dept.	170.37
81010-2001	FICA - Planning Dept.	13.05
34010-1001	Compensation - Building Dept.	266.17
34010-2001	FICA - Building Dept.	18.34
82040-1001	Compensation - Environ. Enforcement	59.85

82040-2001	FICA - Environmental Enforcement	2.98
53010-1001	Compensation - Social Services	904.00
53010-2001	FICA - Social Services	69.16
33010-6001	Regional Security Center	600.00
32010-5607	Lower Middlesex Vol. Fire Dept.	528.00
32010-5605	Upper Middlesex Vol. Fire Dept.	164.50
11010-5899	Middlesex Amateur Radio	568.00
	TOTAL DISBURSEMENTS	\$4,690.33

COMPREHENSIVE PLAN REVIEW

Mr. Wilson requested the transfer of \$16,500 from Professional Services and \$2,300.00 in miscellaneous items in the current Planning Department budget to next year's budget to be used for updating the Comprehensive Plan. The motion to approve the transfer of funds was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

RACETRACK

Mr. Wilson reported on the meeting he attended with the Sawyer', new owners of the former Mid-Bay Raceway and the sheriff, regarding security and traffic control. Information has been requested from the Sawyers regarding the anticipated needs. It is anticipated that the Sheriff will invoice Mr. Sawyer for additional officers and equipment used at the site.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing contracts, pursuant to §2.1-344.a7, of the Code of Virginia, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Crittenden, 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.a1 and identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

The motion to for the County to initiate an amendment to the Zoning Ordinance to allow public and private communications facilities in the Village Community and General Business districts as special exceptions and authorizing the County Administrator to initiate an application for the same for the County was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

RESOLUTION

Whereas, the Middlesex County Board of Supervisors desires to improve the radio communication abilities of law enforcement and volunteer fire departments and rescue squads operating in Middlesex County,

Now, Therefore, Be It Resolved that to promote the general welfare the Board of Supervisors does hereby initiate amendment to the Middlesex County Zoning Ordinance to add "Public and private communications facilities" among the uses listed under Article 8-3, Special Exceptions, Village Community (VC) District and Article 11-4, Special Exceptions, General Business (GB) District.

Be It Further Resolved that this amendment be forwarded to the Middlesex County Planning Commission for public hearing and recommendation and that public hearing on this amendment be scheduled for public hearing by the Middlesex County Board of Supervisors pursuant to Sections 15.2-2204 and 15.2-2286.7 of the Code of Virginia, 1950, as amended.

Adopted by the Middlesex County Board of Supervisors this 18th day of April 2000.

*Charles M. Culley, Jr.
Clerk, Middlesex County
Board of Supervisors*

ADJOURN

There being no further business, the meeting was adjourned until May 2, 2000, at 9:00 A.M.

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