

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

VIRGINIA COOPERATIVE EXTENSION PRESENTATION

Extension Unit Director, David Moore, and Mr. Miller presented David Harmon, Superintendent of the Regional Jail, with a plaque in appreciation of his assistance with the renovation of the Old Jail and moving the Extension Offices to their new location.

VOLVO LEUKEMIA REGATTA

Mr. Ron Meyer, Co-Chairman of the Southern Chesapeake Leukemia Cup Regatta Planning Committee, requested the Board's endorsement of the 2nd annual Leukemia Cup Regatta to be held in Deltaville on June 23 - 24. The event is hosted by Fishing Bay Yacht Club and co-sponsored by the Yacht Club and Hampton Yacht Club. The event will alternate sites between Deltaville and Hampton. The goal for this year's event is to have 150 boats and raise \$100,000 for the Leukemia Society. The motion to endorse the project and adopt the following proclamation was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously.

PROCLAMATION

Southern Chesapeake Leukemia Cup Regatta Days

WHEREAS, On Friday and Saturday, June 23 and 24, 2000, the "Challenge 2000" Volvo Leukemia Cup Regatta of the Southern Chesapeake, an increasingly popular and successful fun-raising event designed to raise money to combat childhood and adult leukemia, will mark its inaugural visit to Deltaville and Middlesex County; and

WHEREAS, The Leukemia Cup Regatta of the Southern Chesapeake is celebrating its second year in 2000, after raising nearly \$48,000 last year in Hampton, has set a goal of \$100,000 in 2000, which serves as an outstanding example of community enthusiasm, volunteerism and charitable giving; and

WHEREAS, The Leukemia Cup Regatta series is observing its eighth year around the country and has raised nearly \$2,000,000.00 to fight leukemia, lymphoma, myeloma and Hodgins disease, locally and nationally; and

WHEREAS, Deltaville's Fishing Bay Yacht Club, this year's regatta host, co-sponsor, Hampton Yacht Club, and the Virginia Chapter of the Leukemia Society of America, have helped organize, promote and support this important fund-raising event, throughout the Southern Chesapeake Bay; and

WHEREAS, Many local, regional and national business organizations and service companies are contributing to the success of this event and helping the regatta series establish a proud tradition of "Sailing and Saving Lives" among boaters, sailors and community participants; and

WHEREAS, Many volunteers and contributors in Middlesex County, the Middle Peninsula, Northern Neck, Hampton Roads and surrounding area are working together to ensure the success and growth of this worthwhile fund-raising event;

NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors do hereby proclaim Friday and Saturday, June 23 and 24, to be

SOUTHERN CHESAPEAKE LEUKEMIA CUP REGATTA DAYS

in the County of Middlesex and do commend this very special observance as an outstanding example of Fishing Bay Yacht Club and Hampton Yacht Club, and other community boating organizations combining their talents and resources for the benefit of the Leukemia Society of America's vitally important fund-raising campaign efforts, and also commend that organization's continuing work in leukemia research and treatment locally and around the country.

PUBLIC HEARING - REZONING APPLICATION R-99-03, WARD & JOHNSON

Mr. Wilson presented application R-99-03, an application to rezone Tax Map 26-49, 11.5 acres from Village Community to General Business District. The proposed development of the property includes various service and retail business uses. The Planning Commission recommended unanimous approval of the application.

Mr. Miller opened a public hearing for comments. There being no comments, the public portion of the hearing was closed. The motion to approve the application as submitted was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

PUBLIC HEARING - REZONING APPLICATION R-99-02, GLEN, SR., GLEN, JR., MAJOR, SR.

Mr. Wilson presented application R-99-02, a motion to rezone Tax Map 27, parcels 113, 114 and 115, a total of 8.75 acres from Low Density Rural to Village Community. The applicants propose to expand an existing auto body shop and small engine repair business. Proffers have been submitted to provide for the establishment of expanded street and boundary line setback distances and screening requirements

for future development. The Special Exception application scheduled for public hearing is dependent upon approval of this rezoning. The Planning Commission recommended approval of the application with proffers as submitted.

Mr. Miller opened the hearing for public comments. There being no comments, the public portion of the hearing was closed. The motion to approve the application with proffers as submitted was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

PUBLIC HEARING - SPECIAL EXCEPTION APPLICATION SP-99-09, MAJOR, SR.

Mr. Wilson presented application SP-99-09, an application for special exception to allow a 30' x 28' building addition and expansion of use at Tax Map 27-113 & 114. The current use has been at this site for over 30 years, and the addition is proposed to have little or no impact on surrounding properties. Action on this application was contingent on approval of the previous application. The Planning Commission recommended approval by unanimous vote.

Mr. Miller opened a public hearing for comments on the application. There being no comments, the public portion of the hearing was closed. The motion to approve the application as submitted was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING - SPECIAL EXCEPTION 99-10, RANDOLPH

Mr. Wilson presented this application to construct a contractor's office at Tax Map 40-248A, currently an undeveloped parcel in a Village Community Zoning District. The applicant proposes to construct a 36' x 60' building, with no outside storage proposed. The Commission recommended unanimous conditional approval of the application.

Mr. Miller opened the public hearing for comments. There were no comments from the public. The motion to approve the application with the following conditions was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously:

- Permit approval is valid only for the proposed building; any outdoor storage of construction materials and equipment is subject to review and approval;
- Approval of entrance location on State Road 1102 by VDOT.

Board members complimented the applicant on the thoroughness of his application package.

TRANSPORTATION ENHANCEMENT ACT 2000

Mr. Robert McMurtrie, Building and Erosion and Sediment Control Inspector, presented the proposal to apply to Transportation Enhancement Grant funding to be

used to continue a bike path on the north side of Route 33, east from the existing path to Stingray Point. The Deltaville Civic Association has been proactive in getting support letters from citizens and businesses in the Deltaville area. The proposed path would cost \$362,000 and would require a 20% County match, which could include donated labor. A public hearing is scheduled for January 20th at the DCA building; Ben Humphreys, Commonwealth Transportation Board, is scheduled to attend.

Mr. Miller opened the hearing for comments from the public. The following all spoke in favor of the request: Jim Elliott, Mike Hammond, Ken Shepherd, Eugene Bailey and Jack Dozier. Speakers noted that the path would be beneficial to visitors and residents of the area who wished to walk or ride bikes; currently there is a 3' drainage ditch on each side of the road and no shoulder. There being no further comments, the public portion of the hearing was closed.

Mr. Crittenden requested written confirmation from the grant administration regarding the use of in-kind gifts for the County's match. The motion to adopt the following resolution was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously:

Pedestrian/Bicycle Pathway Project Endorsement Resolution

WHEREAS, in accordance with Commonwealth Transportation Board construction allocation procedures, it is necessary that a request by resolution be received from the local government or state agency in order that the Virginia Department of Transportation program an enhancement project in the County of Middlesex.

NOW, THEREFORE, BE IT RESOLVED, that the County of Middlesex, requests the Commonwealth Transportation Board to establish a project for the improvement of the pedestrian/bicycle transportation facilities in Lower Middlesex County;

BE IT FURTHER RESOLVED, that the County of Middlesex hereby agrees to pay 20 percent of the total cost for planning and design, right of way, and construction for this project, and that, if the County of Middlesex subsequently elects to cancel this project, the County of Middlesex hereby agrees to reimburse the Virginia Department of Transportation for the total amount of the costs expended by the Department through the date the Department is notified of such cancellation.

PUBLIC HEARING - CREATION OF COUNTY WATER AUTHORITY

Mr. Culley presented information regarding creation of a County Water Authority. A project of the proposed Authority would be an \$8 million water system in the Deltaville area, which has been studied since 1994-95 and includes a 300,000-gallon storage tank, two wells and water distribution system. The Authority would up-front the money with the sale of revenue bonds; mandatory connections would be required and the users would have to pay for the system.

Mr. Miller opened the hearing for comments from the public. The following all spoke in support of the proposed Authority and water system for the Deltaville area: Chip Holt, Carolyn Schmalenberger, Jim Elliott, Ron Chandler, Brenda Bailey, Bob Henkel, Charles Fleet, Eugene Bailey and Jack Dozier. John England reminded the

Board that a central sewer system could also be a necessity in the future and the Board should plan now for future development. Mr. Culley informed the public that the County is already part of the Middle Peninsula Region of the Hampton Roads Sanitation District and sewage issues would be addressed through that group.

There being no further comments, the public portion of the hearing was closed. A second public hearing is scheduled for January 27th, 7:30 P.M., at the Deltaville Civic Association Building. No action was taken at this time.

APPROPRIATION REQUEST

The motion to approve the following appropriation to allow for the purchase of new desks and printers in the Treasurer's Office was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously. TO: 4-1-12130-7002, furniture, \$1,857.23 and 4-1-12130-7001, machinery & equipment, \$1,414.03; FROM: 3-1-41060-0001, General Fund, \$3,271.26.

ENHANCED 911 - COLLECTION OF FUNDS

Mr. Culley updated the Board regarding the State's proposal to take over and regulate enhanced 911 programs in localities. Letters of opposition to the State proposal were sent to Senator Bolling and Delegate Morgan in December, with no response received. Mr. Crittenden requested a follow-up on those letters. The motion to adopt the following resolution, sending it to Bolling and Morgan and members of the Senate Finance Committee, was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

RESOLUTION OPPOSITION TO SENATE BILL 148

WHEREAS, Senate Bill 148 proposes to establish a new State level bureaucracy to include the creation of positions for employees of the State and a State policy board to oversee the localities E-911 funding; and

WHEREAS, this legislation would also limit the tax that a locality could charge for implementation and maintenance of its E-911 services; and

WHEREAS, Middlesex County currently collects a tax in the amount of \$2.00 per phone line from citizens in the County; and

WHEREAS, of the \$2.00 per line collected, the local telephone company charges a \$0.60 tariff, leaving only \$1.40 to apply to the provision of E-911 services, which would be reduced to \$0.40 with the adoption of the proposed legislation; and

WHEREAS, further decreases in the amount of tax the County can assess for E-911 will result in an unfair burden to real estate owners caused by increases in real estate taxes to supplement the expense of providing E-911;

NOW, THEREFORE BE IT RESOLVED, that the Middlesex County Board of Supervisors voices its strong opposition to the creation of another State agency which would use local funding to regulate services provided by a locality; and

BE IT RESOLVED that the Middlesex County Board of Supervisors opposes any proposed changes in the ability of the localities to levy and collect E-911 taxes used specifically for providing Enhanced 911 service; and

BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors opposes this unfunded mandate on local governments and would request that Senate Bill 148 be defeated by the Senate Finance Public Safety Subcommittee.

APPOINTMENTS

Board of Equalization - The motion to appoint Mr. Donald Rennie to represent the Pinetop District was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. Mr. Rennie will replace Mr. Blue who was appointed at the January 4th meeting, however, could not serve due to a conflict of interest.

The motion to reimburse the members of the Board of Equalization at a rate of \$100 per eight-hour day, plus mileage, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Mr. Williams also provided Mr. Culley with a sample advertisement to be used for the hearing notice.

Industrial Development Authority - The motion to reappoint Chauncey Mann to a 4-year term on the IDA, expiring January 31, 2004, was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. The motion to appoint Mr. Alan, (appointed January 4th) to the seat previously held by Mr. Wagner and expiring January 31, 2002, and to appoint Mr. Wake to the seat previously held by Mr. Adams and expiring January 31, 2000, and to re-appoint Mr. Wake to a 4-year term expiring January 31, 2004, was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

BUDGET SCHEDULE

The following schedule was proposed for the 2000-2001 budget adoption:

Date	Time	Location	Event
Tues., Feb. 1	1:30 P.M.	Board Room	Budget Work Session (afternoon of regular meeting)
Wed., Feb.16	7:30 P.M.	CCOC	Budget Work Session w/School Bd.
Tues., March 7	1:30 P.M.	Board Room	Budget Work Session (afternoon of regular meeting)
Tues., March 21	7:30 P.M.	Board Room	Budget Public Hearing
Tues., April 4	9:00 A.M.	Board Room	Budget Adoption (regular meeting date)

ZONING SETBACKS

Mr. Williams requested that the Planning Commission address decreasing the current setbacks on non-conforming lots.

CHAIRMAN APPOINTMENT

Mr. Miller requested that Mr. Crittenden continue working with the School Board Chairman on the School Capital Improvement Program.

FIRST FLOOR CONFERENCE AREA

Mr. Williams requested that the drink machine and snack machine be moved from the First Floor Conference Area and this room be assigned for use by the Registrar. Mr. Culley reminded the Board that this room has been used as a lunch room, for citizens to meet with the Veteran's Administration representative and for staff to meet with citizens unable to climb the stairs to the second floor offices.

CLOSED MEETING

The motion to convene for a closed meeting to discuss personnel issues, pursuant to Code of Virginia, §2.1-344.a1 was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously. Upon returning to open meeting, the following motion was made by Mr. Crittenden, 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 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.

ADJOURN

There being no further business, the meeting was adjourned until the public hearing scheduled for January 27th in Deltaville.

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