

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, MAY 16, 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 - REZONING APPLICATION R-00-01

Mr. Wilson presented Application R-00-01, a request from Russell and Bonnie Fary to rezone property from General Business Zoning District to Village Community District. This property is located on the west side of Route 619, approximately 0.1 mile north of Highway 33 at Locust Hill, and is known as Tax Map 28-140. A single-family residence currently occupies this property. The applicants propose to construct a detached garage as an accessory residential building.

Mr. Miller opened the hearing for comments from the public. There being no comments, the public portion of the hearing was closed. The motion to approve the application for rezoning to Village Community was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously.

PUBLIC HEARING - ZONING ORDINANCE AMENDMENT 00-04, AUTOMOBILE RACETRACKS

Mr. Wilson presented Application AM-00-04, a request from Gene Ruark, agent for the owners, to amend Sections 7-1 and 7-3 of the Zoning Ordinance for the purpose of permitting automobile racetracks by special exception in the Low Density Rural District. The proposed use is currently not a listed permitted use in any existing zoning district. There is currently one racetrack in operation in the County, and it operates as a legal nonconforming use with its continuation subject to all conditions and limitations of law imposed upon such use status.

Mr. Miller opened the hearing for comments from the public. Mr. Miller Smithers spoke in favor of the application, citing it as an opportunity to improve an existing facility that will be a wonderful addition to the County. Mr. Ruark offered to answer any questions that were presented. Mr. Miller announced that a letter had been received from Lori Lowery presenting concerns and questions. There being no further comments, the public hearing was closed.

Mr. Williams spoke in support of this application and noted that one reason he voted to deny a previous application was that the applicant was a contract purchaser. Mrs. Weber noted her approval with specifying that the racetrack would be for automobiles only. Mrs. Weber noted concern for keeping of mud off Route 17 from exiting vehicles. Mr. Sawyer stated that the entrance road will be surface treated with tar and gravel and competitors will use Rt. 606, an adjoining secondary road, to enter and exit the racetrack property. Truck drag racing held on Friday nights by the previous owner created a lot of mud; Mr. Sawyer will not be holding this type of race. Rock has been placed in the in-fields, so the only mud is on the track itself. Mr. Crittenden expressed favor with the application; especially with making the racetrack use only permitted under special exception conditions. Mr. Crittenden requested the owners submit a copy of operating rules and regulations that the Supervisors could use as a reference when phone calls are received from constituents. Mr. Crittenden commented on his good experience, in his capacity of being on the Virginia State Fair Board, of working with the Sawyers family, who also owned the Richmond Raceway. Mr. Jessie noted that the improvements at the raceway are a real plus for the County.

Mr. Jessie moved to approve the ordinance amendments to Section 7-1 and 7-3, changing the purpose of the Low Density Rural District and adding "automobile racetrack" as a special exception use. The motion was seconded by Mr. Crittenden and carried unanimously.

Mr. Miller added that the Board welcomed communication with Mr. Sawyer to insure that improvements were done in a quality manner. Mr. Sawyer noted that he would be back from time to time, meeting with various County departments to submit plans and receive permits for improvements that would be made to the facility. Mr. Crittenden noted that permits regulating the discharge of water or septic waste were handled by the State, not the County.

REQUEST FOR FUNDING - ELECTORAL BOARD

Rev. Mann, Secretary of the Electoral Board, noted that normally the Electoral Board budgets for two elections. This year, a Primary election to be held in June, will cost an additional \$5,954.44, not budgeted. Approximately \$2,000 remains in the current budget, which could be used to offset this cost. The motion to appropriate \$3,955.00 was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously.

Rev. Mann noted that next year's budget will include the lease of a reconditioned voting machine, at approximately \$1,500, to be used in the New Market

Precinct. This will bring the total number of machines to 12. According to Rev. Mann, computerized voting machines cost approximately \$5,000 each, but required a temperature-controlled environment for storage. There is currently no mandate for replacement of the manual machines.

SHERIFF ABBOTT - REQUEST FOR GRANT SUBMISSION

Sheriff Abbott and Deputy Lucas presented a request to apply for a grant from the Department of Justice. The application will be made for the federal government to fund two deputy positions for three (3) years, and asking that the varying local funding match be waived due to community hardship based on the summer population. Officer Lucas noted that State funding for deputies is based on the census population figures, which does not include or compensate for a population that swells in the summer, such as that of Middlesex County. The grant does require that the deputies be retained for one (1) year after the federal funding period, at full County expense; this would equal approximately \$36,000 for each position.

The motion to make application for grant funding from the Department of Justice for two (2) deputy positions, requesting a waiver of the local match, was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. It was noted that if the grant is approved by the Department of Justice, the Board would have final approval to accept the grant.

SPORTS COMPLEX GRANT APPLICATION

John Fleet, representing the Sports Complex Committee, presented a grant application to be made to the Department of Conservation and Recreation to fund a lighting project at the Complex. The Committee believed that more volunteers and leaders could be attracted if the hours of operation were extended to the evening when many people are off from work. There are currently 30 teams that participate in ball activities; soccer has expanded to spring and fall leagues. Operational cost for the lights range from \$1,000 - \$1,600 per year.

The application requests funding to install lighting at two fields, Fields 1 and 2, at a total project cost of \$114,500. Mr. Fleet requested that the County approve the application, which requires matching funds of \$56,500, however, the Committee plans to raise \$51,500 in donations, with the remaining \$5,000 to be donated by the County. If not approved by the Department, Mr. Fleet noted that the Committee would proceed with fundraising activities. Application for funding can be made in the succeeding year.

The motion to approve the grant application to the Department of Conservation and Recreation, and approving the following resolution was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. The total project cost of \$114,500 would be fronted by the Board of Supervisors with \$51,500 to be reimbursed from donations, \$50,000 from the grant, if approved, \$8,000 from in-kind labor donations, and \$5,000 from County funds.

RESOLUTION

MIDDLESEX COUNTY SPORTS COMPLEX
LIGHTING PROJECT

WHEREAS, the Department of Conservation and Recreation, (DCR), under the Virginia Outdoors Fund, provides funds to assist political subdivisions of the Commonwealth of Virginia in acquiring and developing open space and park lands; and

WHEREAS, in 1994, the Middlesex County Board of Supervisors used assistance from the DCR to develop the Middlesex County Sports Complex, a facility that provides baseball and softball fields, basketball goals, playground, volleyball, walking and jogging areas for the citizens of Middlesex County; and

WHEREAS, the Middlesex County Board of Supervisors desires to continue the improvement of the County's parks and recreation facilities by providing lighting to a portion of the Middlesex County Sports Complex to allow for extended hour access to recreation opportunities;

WHEREAS, the total cost of this project has been estimated at \$114,500; and

WHEREAS, the proportionate project share of \$64,500.00 will be funded by the Middlesex County Board of Supervisors;

NOW, THEREFORE, BE IT RESOLVED, by the Middlesex County Board of Supervisors, that Charles M. Culley, Jr., County Administrator, is hereby authorized to cause such information or materials as may be necessary to be provided to the appropriate state agency and to enter into such agreements as may be necessary to permit the formulation, approval, and funding of the Middlesex County Sports Complex Lighting Project;

BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors gives its assurance that the funds needed as the proportionate share of the cost of the approved project will be provided up to \$64,500.00.

AND BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors gives its assurance that the General Provisions of the L & WCF Act and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project.

AND BE IT FURTHER RESOLVED, that the Middlesex County Board of Supervisors will operate and maintain the public recreation facility in good condition in perpetuity and will provide permanent project acknowledgements of the participating funding agencies.

AND BE IT FURTHER RESOLVED that the Middlesex County Board of Supervisors gives its assurance that all other applicable federal and state regulations governing such expenditure of funds will be complied with in the administration and operation of this project.

AND ALSO BE IT FURTHER RESOLVED that the DCR is respectfully requested to assist in the prompt approval and funding of the Middlesex County Sports Complex Lighting Project in order to enhance the standard of recreational enjoyment for all our citizenry.

John D. Miller, Jr.	aye
Fred S. Crittenden	aye
Lenora O. Weber	aye
Kenneth W. Williams	aye
Frank Jessie	aye

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing personnel, pursuant to §2.1-344.a1, and discussion concerning a prospective business or industry, pursuant to §2.1-344.a5 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. Williams, seconded by Mr. Jessie 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 §2.1-344.a5, and identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

The motion to enter into an employment contract with Charles M. Culley, Jr., County Administrator, for a period of two (2) years, and authorizing the Chairman to sign the contract on behalf of the Board of Supervisors, was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

ADJOURN

There being no further business, the meeting was adjourned until June 6, 2000, at 9:00 A.M.

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