

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, OCTOBER 16, 2001, IN THE BOARD ROOM OF THE
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator
Michael T. Soberick, County Attorney

CALL TO ORDER

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

OPERATION THANKSGIVING

William Bagby, representing the Bethlehem Star Lodge requested the Board's endorsement of the Lodge's Operation Thanksgiving project. This project supported 115 families last year. The motion to endorse the project was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

PUBLIC HEARING – NO WAKE ORDINANCE – HEALY'S MILL RUN

Mr. Williams opened a public hearing for comments on a proposed No-Wake Ordinance for Healy's Mill Run. Mary Ann Willis noted that she and her husband had completed the required application to the Game Commission for placement and maintenance of No-Wake Signs. Mrs. Willis also presented pictures indicating the areas for placement of the signs. There being no further comments, the public portion of the hearing was closed. Mr. Crittenden reminded the applicants that enforcement of the Ordinance would be by the State Game Commission. The motion to adopt the Ordinance as follows was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

AN ORDINANCE OF MIDDLESEX COUNTY ESTABLISHING HEALY'S MILL RUN AS A NO WAKE
ZONE

Be it ordained by the Board of Supervisors of the County of Middlesex, Virginia that the Ordinance Establishing Healy's Mill Run as a No Wake Zone and Providing Penalties for Violation of the Ordinance is hereby adopted as follows:

Section 1

This Ordinance shall be known and may be cited as the Healy's Mill Run Ordinance.

Section 2

This Ordinance is promulgated pursuant to authority contained in §29.1-744 of the Code of Virginia of 1950, as amended.

Section 3

This Ordinance shall be effective upon its approval by the Commonwealth of Virginia Commission of Game and Inland Fisheries and the erection of appropriate warning signs.

Section 4

All of Healy's Mill Run, a tributary of the Piankatank River in Middlesex County, Virginia, is hereby designated as a no wake zone for boats and other watercraft. In no event shall any boat or craft be operated in such a manner as to create a swell to the injury of other boats or crafts anchored, tied up or plying in Healy's Mill Run or to the fastland thereof.

Section 5

Property owners along the shores of Healy's Mill Run shall be responsible for constructing and erecting, at their own expense, appropriate warning signs. Such signs shall meet the design criteria of the Commonwealth of Virginia Commission of Game and Inland Fisheries and shall be placed only at locations designated by said Commission.

Section 6

Any person violating any provision of this Ordinance shall, upon conviction thereof, be punished by a fine of not more than fifty dollars (\$50.00) for each such violation.

Adopted by the Board of Supervisors of Middlesex County, Virginia

PUBLIC HEARING – REZONING APPLICATION R-2001-05, HERSEY MASON

Tim Wilson, Planning Director, presented application R-2001-05, a request to rezone Tax Map 28-107, a 61.64 acre parcel, currently zoned Low Density Rural. The original application was for reclassification of the entire parcel to General Business. At the October 11, 2001 Planning Commission meeting, the applicant submitted an alternative proposal requesting a reclassification of less acreage to Village Community. There were no proposed uses or plan of development identified or submitted with the application and also no proffers submitted with the application. This acreage is currently undeveloped property that has been recently timbered. Surrounding properties are mixtures of Village Community and Low Density Rural Classifications, primarily undeveloped land, with some residential and small business uses. Staff recommended denial of the application. On a split vote of 5-3, the Planning Commission recommended denial of the application.

Mr. Williams opened the public hearing. Ed Fischer, Buddy Ayer, Joan Parker and Richard Naylor all spoke in opposition to the proposal and were opposed to the

potential of a strip shopping area at this location. James Ward, representing the applicant, commented that the revised proposal presented to the Planning Commission offered a Village Community District buffered by Low Density Rural, could create the same classification as across the highway and added that the permitted uses are not that intrusive. Mr. Ward added that he believed the “watered down” application would satisfy concerns and the site plan process could take care of the rest.

John England, Planning Commission Chairman, commented that the Commission should have taken more time to consider the revised application, however, he added that knowing proposed uses could also have helped the Commission make a decision. Mr. England reminded the Board that the 300’ buffer of Low Density Rural to surround a proposed Village Community District had been suggested, but was not proffered. England commented that the Board should be pro-business, but also pro-quality development.

There being no further comments, the public portion of the hearing was closed. When asked, Mr. Ward responded that there were currently no plans for use of the property. Mrs. Weber stated that she disagreed with Ward’s comment that site plans could be used to control the property. The motion was made by Mrs. Weber, seconded by Mr. Crittenden to table the application for further discussion. Mr. Crittenden noted that the Board should know what is proposed for the site. Mr. Soberick reminded the Board of their options regarding the application. If the applicant withdraws the application and re-submits with proffers, the Board could consider the application substantially different and available for action. It was a consensus of the Board that more information was needed. The vote to table action was carried by unanimous vote. Action by the Board can be tabled for up to one year.

PUBLIC HEARING – AMENDMENT APPLICATION AM-2001-02

Mr. Wilson presented Application AM-2001-02, from Larry Green, an application to amend the Middlesex County Zoning Ordinance by adding the following to Article 8-2, Permitted Uses, Village Community of the Middlesex County Zoning Ordinance: add the use classification “retail animal feed store allowing outside display and storage of materials or merchandise.” Mr. Green also suggested in his application that the proposed use be listed as a special exception use rather than a permitted use. Mr. Wilson reported that the requested use is presently permitted in the Low Density Rural District by Special Exception. Under Article 8-2-5, all Village Community District retail stores and shops are prohibited from having outside display or storage of materials or merchandise.

Mr. Wilson recommended denial of the application, citing the proposed amendment as not being in keeping with purposes of the Village Community District. In addition, it has already been determined that outside display and storage of materials and merchandise is not permitted in a Village Community zone. The Planning

Commission, on a split vote of 6-2 voted to recommended that Article 8-3 of the Zoning Ordinance be amended to add the proposed use as a Special Exception.

Mr. Williams opened the hearing for public comments. Larry Green, applicant, requested the Board's approval of this request. Mr. Green noted that the animal feed portion of his business had grown since initial zoning approval. John England commented that this use really does not fit in a Village Community Zone and rather than making the zone fit Mr. Green's needs, Mr. Green should have found property in an area where the use is already permitted. In addition, Mr. England stated his opposition to Mr. Green's attempt to change the ordinance rather than following the current regulations.

Mr. Green questioned how he was allowed to have the current outside storage unit (trailer) if it was not permitted. Mr. Wilson stated that Mr. Green's zoning approval was for a tack store with feed supplies as an incidental use; outside storage was never a permitted use. Letters of violation have been sent to Mr. Green for his use of trailers for outside storage; further legal action by the County Attorney has been continued until November 13th.

There being no further comments, the public portion of the hearing was closed. Mr. Crittenden noted that special exception applications allowed the Board to condition approval. Mrs. Weber commented to Mr. Green that as lessee of the current property, he may not be able to abide by all the conditions the Board may attach to a possible future special exception approval.

The motion to amend the Middlesex County Zoning Ordinance by adding the use classification "retail animal feed store allowing outside display and storage of materials or merchandise" to Article 8-3, Special Exception Uses, was made by Mr. Miller, seconded by Mr. Crittenden. The vote that followed was split, three for (Miller, Williams, Crittenden) to two against (Weber, Jessie).

COMPREHENSIVE PLAN

The motion to advertise the Board's public hearing on the Comprehensive Plan update was made by Mrs. Weber seconded by Mr. Miller and carried unanimously. It was noted that the basis of the plan is not changing; mapping and data have been updated.

JUVENILE ACCOUNTABLE INCENTIVE BLOCK GRANT FUNDS

The motion to pool the Middlesex allocation of Juvenile Accountable Incentive Block Grant funds with other participating members of the Middle Peninsula Juvenile Detention Commission was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

Memorandum of Agreement
Pooling of Juvenile Accountability Incentive Block Grant Funds

This agreement is made this 16th day of October 2001 by and between the County of James City and the County of Middlesex, both political subdivisions of the Commonwealth of Virginia.

1. Both James City County and Middlesex County are participating members of the Middle Peninsula Juvenile Detention Commission (MPJDC). Along with other participating localities in the MPJDC, they are eligible for certain funding from the Virginia Department of Criminal Justice Services under the Juvenile Accountable Incentive Block Grant (JAIBG) program. Because the amount of funding to each locality is small, the most efficient way to apply for these funds is by pooling the local allocations and using them for projects that benefit all participating jurisdictions.

2. By executing this Memorandum of Agreement Middlesex County hereby consents to the use of its JAIBG allocation to fund grants, which will benefit the juvenile justice system in all participating localities.

3. Charles M. Culley, Jr., who is Middlesex County's representative on the MPJDC will also serve as its representative on the Juvenile Crime Enforcement Coalition (JCEC) as required as part of the grant process. The JCEC may establish sub-committees to insure representatives from constituent groups per the grant guidelines are included. James City County, as fiscal agent for MPJDC, will act as the grant recipient and be responsible for its administration. John McDonald of James City County will be the Program Administrator, Suzanne Mellen, of James City County will be the Finance Officer, and Joanne Smith of MPJDC will be the Program Director.

4. The participating localities and MPJDC agree to perform all acts and obligations required as conditions of such JAIBG grant. The JCEC will plan, award and exercise oversight responsibility in the fund making process. The Program Director will be responsible for compliance with reporting requirements.

5. This agreement shall be automatically renewed from year to year as long as grant funds are available, but each participating locality may withdraw its participation for the year upcoming at any time by giving written notice to the Program Administrator. By withdrawing from this agreement, the withdrawing locality may no longer be eligible to receive benefits of the pooled funds.

County of James City By: _____ Date _____
County Administrator

County of Middlesex By: _____ Date: October 16, 2001
Charles M. Culley, Jr.
County Administrator

DISBURSEMENTS

The motion to approve disbursements was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. Checks numbered 39986 through 39990 totaling \$9995.05 were disbursed as approved.

FLOORING – DEPARTMENT OF SOCIAL SERVICES

Prices for replacing the carpeting in the Social Services waiting room had been obtained - \$587 from Harrow's Home Center; \$797.18 from Mill-End Carpet Shop. The motion to replace the stained carpet with tile from Harrow's Home Center was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

BOILER REPLACEMENT

Board members recommended bidding out replacement of the boiler in the Woodward Building and replacement of the boiler in the Courthouse with a heat pump unit.

RADIO USE POLICY

The motion to adopt the following as a formal policy of the Board was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

October 16, 2001

Whereas, the Middlesex County Board of Supervisors created the Middlesex County Emergency Services Committee to oversee the development and implementation of a County-wide radio and paging communications system for use by emergency services agencies within the County; and

Whereas, a complete Motorola radio and paging communications package has been purchased for a cost exceeding \$1.8 million and is now fully operational; and

Whereas, it is essential that the integrity of the system be protected;

Now, therefore, be it resolved that the Middlesex County Board of Supervisors adopts the following as formal policy for the use of the Middlesex County Radio and Paging Communication System:

MIDDLESEX COUNTY RADIO and PAGING COMMUNICATION SYSTEM

USE POLICY

The Middlesex County Emergency Services Committee is authorized to adopt standards for all equipment to be used as part of the County's Radio and Paging Communication System subject to the following minimum standards:

- *All equipment shall meet or exceed the standards of the existing system and be compatible with the existing system.*
- *All radios and pagers must be programmed to match the existing system.*
- *All radios and pagers will have a system identification number.*

- *Emergency Dispatch is not authorized to respond to any device that is not part of the County's Radio and Paging Communication System.*
- *County fire, rescue or sheriffs departments are advised not to purchase a radio or pager for use with the Radio and Paging Communication System that has not been approved in advance by the Middlesex County Emergency Services Committee.*

MIDDLE PENINSULA TOURIST GUIDE

Mrs. Jones, Assistant Administrator, informed the Board of an opportunity to participate in the 2002 Middle Peninsula Tourist Guide. It is estimated that 4-color guide will be 32 pages long and be produced with a circulation of 75,000 for 2002 to be distributed to 63 state approved information centers, campgrounds and selected attractions, AAA offices, Chamber of Commerce offices, military bases, recreation centers and local businesses. Ads are being sold, with costs ranging from \$365.00 to \$1,890.00. The motion to purchase a full page ad (3-1/2" x 8-3/8") for \$1,260 was made by Mrs. Weber, seconded by Mr. Jessie and carried by vote of 4-1 (Miller opposed).

HEALTH INSURANCE

Employees met and discussed the options available from Southern Health, this being determined to be the most affordable option. Those present requested that the Board of Supervisors offer employees a Dual Option Package, with individual employees choosing whether they would want to continue with a Point of Service option or switch to an HMO option. The less expensive of the two plans is the HMO, being offered at a total premium of \$237.54 per month for the individual employee. Employees also asked that the Board consider increasing the employer contribution by \$14.94 to cover the full cost of the individual HMO plan. At the new contribution level, the POS plan would still cost the employee \$42.04 per month.

The motion to offer the Dual Option Plan and increasing the total employer contribution to \$237.54 per month per participating employee was made by Mrs. Weber, seconded by Mr. Crittenden and carried unanimously.

CLOSED MEETING

The motion to conduct a closed meeting for the purpose of discussing the litigation of Macey White versus Board of Supervisors, pursuant to §2.2.3711-A.7 of the Code of Virginia, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening in open session, the following motion was made by Mr. Miller, seconded by Mr. Crittenden and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.2-3711.A7 identified in the motion by which the Closed Meeting convened, were heard, discussed, or considered by the public body.

Action:

As a result of the Closed Meeting there was no action taken.

ADJOURN

There being no further business, the meeting was adjourned. Due to Election Day being on Tuesday, the next meeting would be on Wednesday, November 7.

Kenneth W. Williams, Chairman
Board of Supervisors