AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, DECEMBER 3, 2013, IN THE BOARD ROOM OF THE
HISTORIC COURTHOUSE, SALUDA, VIRGINIA:

Present: Wayne Jessie, Sr., Jamaica District
Carlton Revere, Hartfield District
John D. Miller, Jr., Harmony Village District
Elizabeth Hurd, Pinetop District
Pete Mansfield, Saluda District

Matthew L. Walker, County Administrator
Marcia Jones, Assistant County Administrator
Michael Soberick, County Attorney

CALL TO ORDER

The Chairman, Mr. Revere called the meeting to order at 3:00 p.m. Mr. Revere led the group in observance of a moment of silence in recognition of service men and women here and abroad and Mr. Walker led in the Pledge of Allegiance.

PRESENTATION TO EILEEN HOWARD

The Chairman, Mr. Revere, presented a plaque to Eileen Howard in recognition of her years of service. Mrs. Howard is retiring from her job as General Registrar on December 31, 2013.

CONSENT AGENDA

The motion to approve the Consent Agenda was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The Consent Agenda included approval of the agenda; minutes from the Board meeting from November 6, 2013; disbursements dated November 8, numbered 76513-76520 totaling $53,134.26, dated November 18, numbered 76603-76718 totaling $79,655.61, and dated December 3, numbered 76719-76780 totaling $104,714.21, and payroll checks dated November 15, numbered 76289-76602 totaling $356,312.53.

PUBLIC COMMENT

The following people all spoke in opposition to the removal of prayer as an opening to the Board’s meeting: Mark Waring, Marylou Stephenson, Trudy Feigum and Monica Sanders, with Mrs. Sanders leading those attending the meeting in a prayer.
CONSTITUTIONAL OFFICERS

Treasurer:

Mrs. Bray, Treasurer, reported on activities of her office.

Commissioner of Revenue:

Mrs. Davenport, Commissioner, reported on the activities of her office.

Sheriff:

SheriffBushey reported on the activities of his office.

Clerk:

Mrs. Dunlevy reported on the activities of her office.

AGENCY AND STAFF REPORTS

Virginia Department of Transportation:

There was no one present to represent the Department of Transportation.

School Matters:

Dr. Taylor, School Superintendent, reported items for the Division. The Syd Thrift Complex is approximately 70% complete. Work with Honeywell on the energy conservation methods is proceeding and results should be seen by the next meeting. Work on safety issues at the elementary and middle school will proceed with funding through grants and will take place over the holidays. Citizens reporting to the schools can expect major changes, including not having direct access. The motion to approve the following appropriations was made by Mrs. Hurd, seconded by Mr. Jessie and carried unanimously.

Appropriation:

<table>
<thead>
<tr>
<th>NUMBER</th>
<th>FROM</th>
<th>TO</th>
<th>AMOUNT</th>
<th>PURPOSE</th>
</tr>
</thead>
<tbody>
<tr>
<td>36</td>
<td>3-071-038439-3000</td>
<td>Miscellaneous Title VI accounts</td>
<td>$25,783.39</td>
<td>Appropriate Title VI Award Year 2013 ($21,093.09) and remaining funds from Title VI Award Year 2011 ($4,690.30)</td>
</tr>
<tr>
<td>37</td>
<td>3-074-051050-0010</td>
<td>4-074-066300-8100-900</td>
<td>$500,000.00</td>
<td>Appropriate funds that have been approved for the Syd Thrift Athletic Complex into the Capital Improvements Fund</td>
</tr>
</tbody>
</table>
**Dog Park:**

Mary Buxton, speaking on behalf of over 172 “Dog Friends”, a fund raising group that assists with raising funds for Friends for Life, informed the Board that the group would like to raise money to fund a fencing project to create a dog park that can be used for shelter animals and also the public. Board members reviewed the proposal to fence a section of property, currently over the drainfields for the Animal Shelter, for this purpose. Rules for use of the facility by the public would be established. This project has been estimated to cost approximately $10,000.00. The motion to endorse the project was made by Mr. Miller, seconded by Mrs. Hurd and carried unanimously.

**Oyster Festival Foundation:**

Joe Heyman, speaking on behalf of the Urbanna Oyster Festival Foundation, spoke of the success of the 2013 Oyster Festival, including that over $300,000 was raised by non-profit groups during the two-day event. The children’s tent, run by Middlesex High School students was very successful, as well as, bringing back the water taxis to bring in visitors by boat.

**Economic Development and Tourism:**

Chris Ingram, Economic Development and Tourism Director, outlined activities of her department and presented economic data for the county.

**Floodplain Maps, Flood Insurance and Community Rating Systems:**

Building Official David Selph and Planning Director Wally Horton presented information on floodplain maps which have recently been updated by FEMA in coordination with the national flood insurance program. The County’s current flood ordinance is based on maps from 1988. There has been some downgrading of flood prone areas with the new mapping. FEMA allows for some reduction in flood insurance if the county participated in a community rating system, which is based on a point system. As of 2000, there were 91 properties designated in the County with repetitive loss.

**ACTION ITEMS**

**Appropriation:**

The motion to approve the following appropriations was made by Mr. Miller, seconded by Mr. Mansfield and carried unanimously:

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<tr>
<th>NUMBER</th>
<th>FROM TO</th>
<th>AMOUNT</th>
<th>PURPOSE</th>
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</thead>
<tbody>
<tr>
<td>32</td>
<td>3-1-24040-1010 4-1-81050-3007</td>
<td>$1,000.00</td>
<td>Donation from the Town of Urbanna</td>
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<tr>
<td>33</td>
<td>3-1-23020-0052 4-1-31020-1010</td>
<td>$20,340.00</td>
<td>Reimbursement from the Town for the Oyster Festival</td>
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<tr>
<td>34</td>
<td>3-1-23020-0050 4-1-31020-5412</td>
<td>$2,016.00</td>
<td>Fees for Finger Printing</td>
</tr>
</tbody>
</table>
Appointments:

No action was taken on appointments to the Planning District Commission or an alternate to the Wetlands Board.

Budget Calendar:

Board members reviewed the proposed Budget Development Calendar for December 2013 – May 2014, and concurred with the calendar, with the exception of changing the date for presentations to the Board from Friday, February 7 to Thursday, February 13.

Franchise Agreement:

William Newborg, from MetroCast, was present to discuss the expired franchise agreement between the County and MetroCast for cable service. A new franchise agreement/ordinance has been drafted. The motion to schedule a public hearing for January 7, 2014, was made by Mr. Miller, seconded by Mr. Hurd and carried unanimously.

COUNTY ADMINISTRATOR REPORT

Mr. Walker highlighted information within his monthly report, emphasizing GASB 68, a new accounting standard issued by the Governmental Accounting Standards Board that the direct payer of retirement benefits (localities) will have to claim all unfunded liabilities for teacher retirement plans after June 15, 2014, on their financial statements, while funding decisions are made by the state and the Virginia Retirement System.

RECESS and RECONVENE

The meeting was recessed at 5:15 P.M. until the evening session. Mr. Revere reconvened the meeting at 7:00 p.m.

PUBLIC HEARING – AMENDMENT APPLICATION 2013-004

Wally Horton, Planning Director, presented this amendment application, initiated by the Board of Supervisors for the purpose of allowing the locating of more than one (1) principle residential structure on an individual parcel of land for an immediate family member subject to the requirements of Article 15-20 by-right in the Low Density Rural and Village Community Zoning Districts instead of requiring approval of a special
exception by the Board of Supervisors. Since the implementation of this special exception use there has never been a denial. As noted by Mr. Horton, if something is being approved all the time, it does not need to be a special exception. The proposal would add the use by-right and remove it from the list of Special Exception uses in the VC and LDR Zoning Districts.

Mr. Revere 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 amendment application as proposed was made by Mr. Miller, seconded by Mr. Mansfield and carried unanimously.

PUBLIC HEARING – SPECIAL EXCEPTION 2013-013

Mr. Horton presented the application for approval of a Special Exception application to locate an Accessory Dwelling unit in the Low Density Rural (LDR) Zoning District subject to the provisions of Section 15-22 of the Middlesex County Zoning Ordinance. In this case, the provisions of Section 15-22 that are applicable are: only one accessory dwelling unit per lot; shall not contain a gross floor area greater than fifty percent of the total living area of the principal dwelling unit or eight hundred square feet, whichever is less; one additional parking space shall be required in addition to that required for the principal dwelling unit; and a manufactured home shall not be used as an accessory dwelling unit. The Applicant has obtained a zoning and building permit to construct a garage and personal storage building on the property at Tax Map 20-7, a 2.24 acre parcel in LDR. The condition of these permits does not allow any preparation of the structure for use as an accessory dwelling.

Mr. Revere 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 as follows was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

1. The use shall meet the criteria of Section 15-22 and any other zoning or building code requirements.

2. Health Department approval of the accessory dwelling unit shall be obtained and included as part of an application for zoning and building permits.

FOOD AND BEVERAGE TAX ORDINANCE

Mr. Walker presented the proposed Food and Beverage Tax Ordinance which has been based on the State Code and is bound by the referendum from the November 5th vote. It is proposed that the new ordinance would be effective July 1, 2014, with the first collection due August 20, 2014 for the month of July. This will give the Commissioner time to prepare for the submittals and also time to educate the businesses that they need to begin collections. The maximum of 5% of the tax can be retained by the restaurant for collection of the tax. It has been estimated that the
county will receive $337,830 in new revenue - $237,830 to come from 15 restaurants in the County and a conservative $100,000 from other establishments selling food. The revenue received will be divided as required by the referendum – general fund, emergency services and capital improvements.

Mr. Revere opened the hearing for comments from the public. Hal Muller thanked Mr. Revere for his service to the County and also spoke in favor of the ordinance. Dan Downs spoke in favor of the ordinance but asked about the expenses involved with implementation. Zane Abbott spoke in opposition to the ordinance, adding that the Board should just raise the taxes already in place and not adopt new taxes. There being no further comments, the public portion of the hearing was closed. Mr. Walker noted that there should not be much expense involved in the collection. The motion to adopt the ordinance as presented was made by Mrs. Hurd, seconded by Mr. Miller and carried unanimously by a roll call vote.

AN ORDINANCE OF THE COUNTY OF MIDDLESEX, VIRGINIA
PERTAINING TO TAXATION AND SPECIFICALLY PERTAINING TO TAX ON PREPARED FOOD AND BEVERAGES

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX COUNTY, VIRGINIA, THAT THE FOLLOWING ORDINANCE IS HEREBY ADOPTED:

Section 1. Definitions.

The following words and phrases, when used in this ordinance, shall have, for the purposes of this ordinance, the following respective meanings except where the context clearly indicates a different meaning:

Beverage: Alcoholic and non-alcoholic beverages served as part of a meal.

Caterer: A person who furnishes food on the premises of another for compensation.

Commissioner of the revenue: The commissioner of the revenue of the county and any of his duly authorized deputies, assistants, employees, or agents.

Food: Any and all edible refreshments or nourishment, liquid or otherwise, including alcoholic beverages and nonalcoholic beverages served as part of a meal, meant for refreshment or nourishment value purchased in or from a restaurant or from a caterer, except snack foods, whether consumed on the premises or not.

Person: Any individual, corporation, company, association, firm, partnership, or any group of individuals acting as a unit.

Purchaser: Any person who purchases food in or from a restaurant or from a caterer.

Restaurant:

(1) Any place where food is prepared for service to the public whether on or off the premises;
(2) Any place where food is served to the public; or
(3) Any place or operation which prepares or stores food for distribution to persons of the same business operation of a related business operation for service to the public.

Examples include: dining room, grill, coffee shop, cafeteria, cafe, snack bar, lunch counter, lunchroom, short order place, tavern, delicatessen, confectionery, bakery, eating house, eatery, drugstore, catering
service, lunch wagon or truck, pushcart or other mobile facility that sells food, and dining facility in a public or private club, resort, bar or lounge, restaurant, convenience store, theatre, ice cream/yogurt shops.

_Seller:_ Any person who sells food or beverages in or from a restaurant or as a caterer, and who is required to collect, report, and remit the tax due pursuant to this ordinance.

_Snack food:_ Chewing gum, candy, popcorn, peanuts and other nuts, and unopened prepackaged cookies, donuts, crackers, potato chips, and other items of essentially the same nature and consumed for essentially the same purpose.

_Treasurer:_ The treasurer of the county and any of his duly authorized deputies, assistants, employees, or agents.

**Section 2. Levy of tax; amount.**

In addition to all other taxes and fees of any kind now or hereafter imposed by law, a tax is hereby levied and imposed on the purchaser of all food and beverages served, sold, or delivered for human consumption in the county in or from a restaurant, whether prepared in such restaurant or not, or prepared by a caterer. Grocery stores and convenience stores selling prepared foods ready for human consumption at a delicatessen counter shall also be subject to said tax, but the application of same shall be limited to prepared sandwiches and single-meal platters. No such tax shall be imposed on any entity or activity exempted from same by §58.1-3833 (A) of the Code of Virginia, 1950, as amended, as well as any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulations issued pursuant thereto. The rate of this tax shall be four (4) percent of the amount paid for such food. In the computation of this tax, any fraction of one-half cent ($0.005) or more shall be treated as one cent ($0.01), while fractions of less than one-half cent shall not be collected.

**Section 3. Exemptions.**

(a) The tax imposed by this ordinance shall not be levied on the following items when served exclusively for off-premises consumption:

(1) Pre-packaged snacks including chewing gum, candy, popcorn, nuts, donuts, nabs, chips, cookies, crackers and items of essentially the same nature;

(2) Food sold in bulk. For the purpose of this section, a bulk sale shall mean the sale of food or beverages that would exceed the normal, customary and usual portion which would be sold for on-premises consumption (e.g., a whole cake, a whole pie, a gallon of ice cream, etc.).

(3) Beverages sold in factory sealed containers.

(b) A grocery store, supermarket or convenience store shall not be subject to the tax imposed by Section 2; except that the tax shall be imposed on those portions of such stores which are designated as a delicatessen or designated for the sale of prepared food such as sandwiches or single-meal platters and beverages.

(c) The tax imposed by this ordinance shall not be levied on the following purchases of food and beverages:

(1) Food or beverages furnished by restaurants to employees as part of their compensation when no charge is made to the employee;

(2) Food or beverages sold by, through, or under the aegis of, non-profit day care centers, public or private schools, colleges, or universities to its students or employees;
(3) Food or beverages for use of consumption by the Commonwealth, any political
subdivision thereof, or the United States of America, or any subdivision thereof.

(4) Food or beverages furnished to patients or residents by a hospital, medical clinic,
convalescent home, nursing home, home for the aged, infirm, or handicapped, or other extended care
facility;

(5) Food or beverages furnished by non-profit charitable organizations, or churches, to
elderly, infirm, handicapped, nor needy persons in their homes, or at central locations;

(6) Food or beverages sold by a non-profit educational, charitable, benevolent, or service
club, organization, church or religious body as a fund-raising activity, the proceeds of which are to be
used by such organization exclusively for non-profit educational, charitable, benevolent, or religious
purposes;

(7) Food or beverages sold through vending machines;

(8) Food or beverages furnished by boardinghouses that do not accommodate transients;

(9) Food or beverages sold by cafeterias operated by industrial plants for employees only;

(10) Food or beverages furnished by restaurants to their employees as part of their
compensation when no charge is made to the employee;

(11) Food or beverages sold by volunteer fire departments and rescue squads; nonprofit
churches or other religious bodies; educational, charitable, fraternal, or benevolent organizations, on an
occasional basis, not exceeding three times per calendar year as a fundraising activity, the gross
proceeds of which are to be used by such church, religious body or organization exclusively for nonprofit
educational, charitable, benevolent, or religious purposes;

(12) Food or beverages served by churches that serve meals for their members as a regular
part of their religious observances;

(13) Food or beverages served or sold by public or private elementary or secondary schools,
colleges, and universities to their students or employees;

(14) Food or beverages provided by hospitals, medical clinics, convalescent homes, nursing
homes, or other extended care facilities to patients or residents thereof;

(15) Food or beverages provided by day care centers;

(16) Food or beverages furnished by homes for the aged, infirm, handicapped, battered
women, narcotic addicts, or alcoholics; or

(17) Food or beverages furnished by age restricted apartment complexes or residences with
restaurants, not open to the public, where meals are served and fees are charged for such food and
beverages and are included in rental fees. Also, the tax shall not be levied on food and beverages: (a)
when used or consumed and paid for by the Commonwealth, any political subdivision of the
Commonwealth, or the United States; or (b) provided by a public or private nonprofit charitable
organization or establishment to elderly, infirm, blind, handicapped, or needy persons in their homes, or
at central locations; or (c) provided by private establishments that contract with the appropriate agency of
the Commonwealth to offer food, food products, or beverages for immediate consumption at concession
prices to elderly, infirm, blind, handicapped, or needy persons in their homes or at central locations.

(18) Any food or food product purchased for home consumption as defined in the federal
Food Stamp Act of 1977, 7 U.S.C. Section 2012, or amended, except for salad bar items sold from a
Any other sale of food which is exempt from taxation under the Virginia Retail Sales and Use Tax Act, or administrative rules and regulation issued pursuant thereto.

Section 4. Payment and collection of tax.

Every seller of food with respect to which a tax is levied under this ordinance shall collect the amount of tax imposed under this ordinance from the purchaser on whom the same is levied at the time payment for such food becomes due and payable, whether payment is to be made in cash or on credit by means of a credit card or otherwise. The seller shall separately state the amount of such tax and the amount of tax owed by the purchaser shall be added to the cost of the food by the seller who shall pay the taxes collected to the county as provided in this ordinance. Taxes collected by the seller shall be held in trust by the seller until remitted to the county.

Section 5. Reports and remittances generally.

Every seller of food with respect to which a tax is levied under this ordinance shall make out a report upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the amount of food charges collected and the tax required to be collected, and shall sign and deliver such report to the treasurer with a remittance of such tax. Such reports and remittance shall be made on or before the twentieth day of each month, covering the amount of tax collected during the preceding month.

Section 6. Preservation of records.

It shall be the duty of any seller of food liable for collection and remittance of the taxes imposed by this ordinance to keep and preserve for a period of three (3) years records showing gross sales of all food and beverages, the amount charged the purchaser of each such purchase, the date thereof, the date of payment thereof, the taxes collected thereon and the amount of tax required to be collected by this ordinance. The commissioner of the revenue shall have the power to examine such records at reasonable times and without unreasonable interference with the business of the seller for the purpose of administering and enforcing the provisions of this ordinance and to make copies of all or any parts thereon.

Section 7. Advertising payment or absorption of tax prohibited.

No seller shall advertise or hold out to the public in any manner, directly or indirectly, that all or any part of the tax imposed under this ordinance will be paid or absorbed by the seller or anyone else or that the seller or anyone else will relieve the purchaser of the payment of all or any part of the tax.

Section 8. Tips and service charges.

(a) Where a purchaser provides a tip for an employee or employees of a seller, and the amount of the tip is wholly in the discretion of the purchaser, the tip is not subject to the tax imposed by this ordinance, whether paid in cash to the employee or added to the bill and charged to the purchaser’s account, provided, in the latter case, the full amount of the tip is turned over to the employee by the seller.

(b) An amount or percent, whether designated as a tip or a service charge, that is added to the price of the meal by the seller, and required to be paid by the purchaser, is a part of the selling price of the meal and is subject to the tax imposed by this ordinance.

Section 9. Duty of seller when going out of business.
Whenever any seller required to collect or pay to the county a tax under this ordinance shall cease to operate or otherwise dispose of his business, any tax payable under this ordinance shall become immediately due and payable and such person shall immediately make a report and pay the tax due.

Section 10. Enforcement; duty of commissioner of the revenue.

The commissioner of the revenue shall promulgate rules and regulations for the interpretation, administration, and enforcement of this ordinance. It shall also be the duty of the commissioner of the revenue to ascertain the name of every seller liable for the collection of the tax imposed by this ordinance who fails, refuses, or neglects to collect such tax or to make the reports and remittances required by this ordinance. The commissioner of the revenue shall have all of the enforcement powers as authorized by Article 1, Chapter 31 of Title 58.1 of the Code of Virginia, 1950, as amended, for purposes of this ordinance.

Section 11. Procedure upon failure to collect, report, etc.

If any seller whose duty it is to do so shall fail or refuse to collect the tax imposed under this ordinance and to make, within the time provided in this ordinance, the reports and remittances mentioned in this ordinance, the commissioner of the revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the commissioner of the revenue shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax payable by any seller who has failed or refused to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such seller the tax, interest and penalties provided for by this ordinance and shall notify such seller, by certified or registered mail sent to his last known place of address, of the total amount of such tax penalties and interest and the total amount thereof shall be payable within ten (10) days from the date such notice is sent.

Section 12. Duty of treasurer.

The treasurer shall have the power and the duty of collecting the taxes imposed and levied hereunder and shall cause the same to be paid into the general treasury for the county.

Section 13. Penalty of late remittance or false return.

If any seller whose duty it is to do so shall fail or refuse to file any report required by this ordinance or to remit to the treasurer the tax required to be collected and paid under this ordinance within the time and in the amount specified in this ordinance, there shall be added to such tax by the treasurer a penalty in the amount of Ten Dollars ($10.00) or ten (10) percent thereof of the tax which has not been timely collected and/or remitted to the County, whichever amount is greater, and interest thereon at the rate of ten (10) percent per annum, which shall be computed upon the taxes and penalty due on the first day of the calendar month next following the month in which such taxes became due and payable which interest shall be payable by the seller whose duty it is to collect, report and remit the tax. An additional penalty at the same rate shall be added for each additional thirty (30) days or fraction thereof during which such tax is not duly remitted to the County; provided, however, that the total aggregate penalties shall not exceed the amount of the tax due.

Section 14. Violations of ordinance.

(a) Any person willfully violating, falsifying, failing, refusing, or neglecting to comply with any of the provisions of this ordinance shall be guilty of:

(1) A Class 3 misdemeanor, as punishable according to the Code of Virginia, as amended, if the amount of the tax lawfully assessed in connection with the return is $1,000.0 or less; or
(2) A Class 1 misdemeanor, as punishable according to the Code of Virginia, as amended, if the amount of the tax lawfully assessed in connection with the return is more than $1,000.00

(b) Conviction of such violation shall not relieve any person from the payment, collection, or remittance of the tax penalties or interest provided for in this ordinance. Any agreement by any person to pay the taxes prescribed by this ordinance by a series of installment payments shall not relieve any person of criminal liability for violation of this ordinance until the full amount of taxes agreed to be paid by such person is received. Each failure, refusal, neglect or violation and each day’s continuance thereof shall constitute a separate offense.

Section 15. Commission for collection.

Pursuant to the authority of §58-1-3816.1 of the Code of Virginia, 1950, as amended, the county hereby allows any and all businesses charged with the collection of this tax a commission for such service. Such commission shall be five (5) percent of the amount of tax due and accounted for, and such commission shall be deducted from the tax remitted. No commission shall be allowed if the amount of tax due was not remitted to the treasurer prior to the time limit specified in Section 5 of this ordinance.

Section 16. Use of Revenues.

The revenues collected from the tax shall be designated and spent as follows:

(a) One half of such revenue shall be designated for general fund revenues and expenditures for fire, rescue and emergency services within the County.

(b) One half of such revenue shall be designated and spent solely for the design, construction, improvement, acquisition and debt service for such expenses on debt incurred after June 30, 2014, for development of capital facilities and costs related to capital projects within the County.

Adopted pursuant to the authority of Virginia Code §58.1-3833

Adopted by the Board of Supervisors of Middlesex County, Virginia, on the 3rd day of December, 2013, as follows:

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<tr>
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<th>YES</th>
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<tbody>
<tr>
<td>WAYNE H. JESSE, SR.</td>
<td>X</td>
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<tr>
<td>ELIZABETH HURD</td>
<td>X</td>
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<tr>
<td>PETER W. MANSFIELD</td>
<td>X</td>
<td></td>
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<tr>
<td>JOHN D. MILLER, JR.</td>
<td>X</td>
<td></td>
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<tr>
<td>CARLTON S. REVERE</td>
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</tbody>
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OLD/NEW BUSINESS

The motion to approve the third pay request submitted by Courthouse Construction in the amount of $43,486.00 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. The project is at 98% completion.
COMMITTEE REPORTS

Board members reported on their various committees.

PUBLIC COMMENT

There was no one present to give any public comment.

CLOSED MEETING

The motion to conduct a closed meeting per Code of Virginia, §2.2-3711.a7 to discuss pending/probable litigation was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Upon reconvening in the open meeting, the following statement was made:

To the best of the members’ knowledge, only public business matters lawfully exempted in the motion by which the closed session was called were considered or discussed in the closed session.

The motion to approve a settlement as follows to former Sheriff’s Department employees in the suit of Moon, Burch and Lyons, Jr., vs. David P. Bushey, Sheriff and Middlesex County, which the County had been dismissed from was made by Mr. Miller, seconded by Mrs. Hurd and carried unanimously: Austin Moon - $13,000.00; Ashland Burch - $2,500.00 and Perry Lyons, Jr. - $1,500.00.

ADJOURN

There being no further business the meeting was adjourned by motion of Mr. Miller, seconded by Mr. Jessie and carried unanimously. The next meeting will be the annual meeting to be held on Tuesday, January 7, 2014, beginning at 3:00 p.m. It was noted that there would be two parties Board members may be attending as a group – the County employee Christmas party on December 9 and a party at Mr. Mansfield’s home on December 18.

Carlton S. Revere, Chairman
Board of Supervisors