

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, JULY 21, 1998, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator  
Tim Wilson, Planning Director

**CALL TO ORDER**

The Chairman, Mr. Crittenden, called the meeting to order at 7:30 p.m. and opened with prayer

**PUBLIC HEARING – SITE PLAN APPLICATION 98-009, OSCAR BARBER, DELAWARE CORPORATION**

Mr. Wilson presented a site plan application submitted by Oscar Barber, for development of a 12,000 square foot airplane maintenance hangar and office to be located at Tax Map 30-108 & 109, zoned General Business, combined land area 1.3 acres, on Route 3, Hummel Field, Topping. There is no current use, this being the location of a service station that has been demolished and removed. Adjoining uses include general business uses, undeveloped parcels and Hummel Field runway.

The Board of Zoning Appeals authorized a variance to the Zoning Ordinance Section 14-3-2, which would allow an 8'6" encroachment into the Airport District Transitional Zone. This variance was conditioned upon the lighting of the building pursuant to FAA regulations. The Planning Commission reviewed and approved the site plan for the proposed use with the following requirements: approval of subdivision applications for identified lot line vacation and boundary line adjustment; approval of a commercial entrance permit by VDOT for the proposed entrance on Highway 3; installation of the infiltrator system depicted on the site plan; planting of trees as depicted on the site plan; compliance with the approval conditions of Variance #98-008. The Comprehensive Plan recommends general business and light industrial uses in the planned development area.

The Chairman opened the hearing for comments from the public. Mr. Culley read a letter from John G. Dankos, Jr., area representative on the Virginia Aviation Board, who favored economic development at Hummel and recommended the County attract business development that would strengthen the viability of the airport.

Jeff Steingold, representing Delaware Corporation, commented that his client had met all regulations required for the development of the property as proposed and noted the favorable economic impact proposed. Mr. Steingold encouraged the Board to approve the request.

Ray Rogers, member of the County's airport committee, noted that the new proposed facility would be of less impact than the obstruction just removed. It was noted that airport-related facilities and business were encouraged because they would keep the airport viable.

Henri B. Chase presented a report he had prepared at the request of Board member, Weber. This report concerns how the proposed hangar construction will affect operations at Hummel Field on a long-term basis, specifically with regard to the Global Positioning System (GPS). Mr. Chase's report contends that William Merritt, of the Federal Aviation Administration (FAA), in New York, has stated that the proposed construction would exceed FAA obstruction standard, however, the proposed building would not be a hazard to air navigation. Mr. Chase added that Merritt made his report

without consideration of all facts, without considering the County's proposed GPS, and without a site visit. Mr. Chase recommended the County request re-evaluation of the proposal by the Department of Aviation, the FAA in New York, and to Tom Jones, FAA Safety Manager based in Richmond.

Leo Barber commented that the proposed building posed no greater threat than a building on an adjoining property.

Ray Tyson commented that the issue was getting too complicated, that the proposed building would not be a hazard to aviation or the GPS and had already been reviewed by the FAA and State.

Mr. Steingold commented that acceptance had already been received by the VDOA and FAA.

Mr. Chase reiterated that the FAA based their study of the proposal without regard to the GPS procedure and a proposed lower decent altitude.

There being no additional comment from the public, the public portion of the hearing was closed.

Mr. Crittenden requested copies of the information contained in Mr. Chase's report.

Mr. Miller questioned the location of the power pole that was recently removed; over 25 feet of the pole was inside the safety zone. A corner of the proposed building would be inside the safety zone. Mr. Miller requested clarification of the Visual Flight Rule (VFR) compared to the GPS and accuracy of the GPS.

Mrs. Weber commented that the study by the FAA did not consider that the County would have a GPS. Mrs. Weber read correspondence from the Department of Aviation, in which Keith McCrea stated that it was his opinion that the location of the proposed building did create an aviation hazard because it would intrude into the air safety zone.

Mr. Williams stressed his desire to promote future businesses at Hummel Field, however, he also stressed the need to maintain safety. All Board members agreed and the Board discussed tabling the matter.

Mr. Barber commented that the GPS has been approved and is only being held up because of tree obstructions and renumbering the runway. It was added that the proposed building has no bearing on the GPS approach.

Mrs. Weber motioned that due to the incomplete study, an in-depth study, including site visit, should be requested from the FAA and the issue tabled until the study was received. Mr. Williams requested the motion be amended to table the issue for a maximum of 60 days; Mrs. Weber agreed. Mr. Williams seconded the motion and it carried unanimously.

### **PUBLIC HEARING – ZONING ORDINANCE AMENDMENT – 98-005, ARTICLE 9-3**

Mr. Wilson presented Amendment Application 98-005, a request to list "replacement manufactured homes" as a conditional special exception use in the Residential (R) District. This amendment would allow a property owner with a destroyed mobile or singlewide manufactured home to make application to replace with a larger singlewide or doublewide manufactured home. Currently, mobile and manufactured homes in the Residential District are legally nonconforming structures. The property owner does not have a vested right to replace with an expanded or larger nonconforming building than originally located on the property. The Planning Commission recommended the Board's approval.

Mr. Crittenden opened the public hearing for comments. George Robinson, son of Cora Robinson whose singlewide manufactured home was destroyed by fire,

requested the Board's approval of this amendment. There being no further comments, the public portion of the hearing was closed.

The motion to approve Amendment Application 98-005, to list "replacement manufactured homes" as a special exception use in the Residential District subject to the following requirements and restrictions, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

1. That the special exception use is for the replacement of legally nonconforming mobile or manufactured homes only and shall not be for purposes of replacing legally conforming single-family dwellings and modular homes.
2. That the mobile or manufactured home being replaced had been occupied as a residence for a period within six (6) months of the date of application.
3. The replacement manufactured home shall be 19 feet or greater in width.
4. The replacement must arise from the accidental destruction of the mobile or manufactured home on the property by fire or other natural cause.
5. A surety of five hundred dollars (\$500.00) shall be posted to secure the complete removal of the destroyed home on the property prior to the occupancy of the new permitted structure.

### **PUBLIC HEARING – ZONING ORDINANCE AMENDMENT 98-006, SETBACK AND YARD RESTRICTIONS FOR NON-CONFORMING LOTS OF RECORD**

Mr. Wilson presented the Planning Commission's recommendation to re-establish setback and yard restrictions for non-conforming lots of record in Low Density Rural District. This subject has been discussed several times in previous months.

Mr. Crittenden opened the public hearing for comments. Archie Goodwin spoke in favor of the proposal. There being no further comments, the public portion of the hearing was closed. The motion to adopt the following setback and yard requirements on lots of record in the LDR zone as of November 19, 1997, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

#### Setback Regulations – Nonconforming Lots.

The minimum setback distance for all structures located on a legal nonconforming lot of record shall be eighty (80) feet from Virginia primary and U. S. Highway road right-of-ways; sixty (60) feet from Virginia secondary road right-of-ways; and thirty-five (35) feet from interior subdivision and private street right-of-ways.

#### Corner Lot Setback Regulation – Nonconforming Lots.

On legal nonconforming lots of record, the minimum side yard setback distance on the side facing the street on a corner lot shall be thirty-five (35) feet from the street right-of-way for all structures.

#### Yard Regulations – Nonconforming Lots.

On legal nonconforming lots of record, principal and accessory buildings shall be located no closer than ten (10) feet to any side or rear boundary line of the property on which it is located.

### **PUBLIC HEARING – SPECIAL EXCEPTION APPLICATION 98-004, CONTRACTOR'S OFFICE**

Mr. Wilson presented Special Exception Application 98-004, from Charles Carter, to operate a contractor's office in a Low Density Rural District. The property is located at Tax Map 26-57B, on Highway 17, 3.04 acres, just north of Saluda, the location of the former Langford Brothers Septic Service business. The applicant proposes to use the existing building and construct a 30'x 50' covered parking area on the rear of the

building for securing and keeping of equipment. The Planning Commission unanimously recommended approval of the application conditional upon Health Department approval of the water supply and septic system.

Mr. Crittenden opened the public hearing for comments. Charles Carter, applicant, requested the Board's approval. There being no additional comment, the hearing was closed to the public. The motion approve the application as recommended for a contractor's office at this location was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING --- SPECIAL EXCEPTION 98-005, CORA ROBINSON, REPLACEMENT OF SINGLE-WIDE MANUFACTURED HOME IN A RESIDENTIAL DISTRICT**

Mr. Wilson presented Special Exception Application 98-005, submitted by Cora Robinson, for replacement of a singlewide manufactured home with a doublewide manufactured home at Tax Map 40-239, in a Residential District. The singlewide home was destroyed by fire in May and could be replaced as a non-conforming use by one of the same size. Replacement with a larger size manufactured home was dependent upon passage of Zoning Ordinance Amendment 98-005 that lists criteria for replacement manufactured homes in a Residential Zone and upon submission of this application. The Planning Commission recommended approval of this application.

Mr. Crittenden opened the public hearing for comment. Edmonia Scott, daughter of Mrs. Robinson, requested the Board's approval of the application. There being no additional comment, the public portion of the hearing was closed. The motion to approve the application as recommended by the Planning Commission was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**PUBLIC HEARING – TAX RELIEF FOR THE ELDERLY ORDINANCE**

Mr. Crittenden opened the public hearing to hear comments regarding proposed amendments to the County's ordinance that provides tax relief to the elderly and disabled. Proposed amendments include increasing the amount of annual income that can be considered for a percentage of exemption from tax from \$10,000 to \$12,000. Mr. Crittenden opened the hearing for comments from the public. There being none, the public portion of the hearing was closed. The motion to approve revisions and readopt the ordinance as follows was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

AN ORDINANCE TO PROVIDE FOR THE EXEMPTION  
FROM TAXATION OF CERTAIN REAL ESTATE IN MIDDLESEX  
COUNTY, VIRGINIA, OWNED AND OCCUPIED BY ELDERLY  
PERSONS OR TOTALLY DISABLED PERSONS.

BE IT ORDAINED by the Board of Supervisors of Middlesex County, Virginia, pursuant to Sections 15.1-504 and 58.1-3210 of the Code of Virginia of 1950 and 1984, as amended, as follows:

ARTICLE 1: GENERAL PROVISIONS

1-1 This ordinance shall be known and may be cited as the Middlesex County Real Property Tax Exemption Ordinance.

ARTICLE 2: TAX EXEMPTED

2-1 Real estate, or any portion thereof, owned by, and occupied as the sole dwelling of a person or persons not less than sixty-five (65) years of age or a person who is determined to be permanently and totally disabled as provided herein shall be exempt from real estate taxes in the amounts as set forth elsewhere in this Article.

ARTICLE 3: DEFINITIONS

3-1 The following words and phrases used shall, for the purposes of this ordinance, have the following meanings, except where the context clearly indicates a different meaning:

3-1-1 INCOME: Income from whatever source derived, including but not limited to, social security payments, inheritance, gifts, gains from the sale or exchange of assets, proceeds of insurance, welfare receipts and benefits under the Virginia Supplemental Retirement System.

3-1-2 NET COMBINED FINANCIAL WORTH: The fair market value of all assets, tangible or intangible, legal or equitable, of the owner or owners, and the spouse of any owner, less the liabilities of such person or persons, but excluding the value of the dwelling and the land, as provided in Section 4-1-3 hereof. Such term includes, but is not limited to, the cash surrender value of any life insurance policy owned by such person or persons.

3-1-3 PERMANENTLY AND TOTALLY DISABLED: A person shall be deemed permanently and totally disabled if he is so certified as required in Section 4-1-1 and is found by the Commissioner of Revenue to be unable to engage in any substantial gainful activity by reason of any medically determined physical or mental impairment or deformity which can be expected to result in death or can be expected to last for the duration of such person's life.

3-1-4 AFFIDAVIT: The Real Estate Tax Exemption Affidavit.

3-1-5 COUNTY: Middlesex County, Virginia.

3-1-6 COMMISSIONER OF REVENUE: The Commissioner of the Revenue of Middlesex County, Virginia, or his duly authorized deputies or agent.

3-1-7 DWELLING: The full-time residence, including mobile homes as defined in 36-71-(4), of the person or persons claiming exemption.

3-1-8 EXEMPTION: Exemption from the real estate tax of the County of Middlesex, according to the provisions of this ordinance.

3-1-9 PROPERTY: Real property.

3-1-10 TAXABLE YEAR: The calendar year, from January 1 until December 31, for which exemption is claimed.

#### ARTICLE 4: QUALIFICATION FOR EXEMPTION

4-1 Such elderly or disable exemptions may be granted for any tax year following the date that the head of the household and/or his or her spouse occupying such dwelling and owning title or partial title thereto reaches the age of sixty-five (65) years and in addition:

4-1-1 If such person is under sixty-five (65) years of age, such form shall have attached thereto a certification by the Veterans Administration, Social Security Administration, Railroad Retirement Board, or, if such person is not eligible for certification by any of these agencies, a sworn affidavit by two (2) medical doctors licensed to practice medicine in the Commonwealth, to the effect that such person is permanently and totally disabled, as defined in Section 3-1-3, and that at least one of the medical doctors has physically examined the applicant.

4-1-2 The total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed Twelve Thousand Dollars (\$12,000), provided that the first Fifteen Hundred Dollars (\$1500.00) of the income of each relative, other than spouse, of the owner or owners, who is living in the dwelling shall not be included in such total.

4-1-3 The net combined financial worth, including equitable interests, as of the thirty-first day of December of the immediately preceding calendar year, of the owner, and of the spouse of the owner, excluding the value of the dwelling and the land not exceeding one acre, upon which it is situated, does not exceed \$50,000.00.

#### ARTICLE 5: AMOUNT EXEMPT

5-1 Any person or persons qualifying for such exemption shall be exempt from taxation of real estate to the extent indicated below, based on income:

<u>Total Combined Income Percentage Exemption of Tax</u>	
Less than \$6,000	100%
\$6,001 to \$8,000	80%
\$8,001 to \$10,000	60%
\$10,001 to \$12,000	40%
\$12,001 to above	0%

In no case shall the total annual exemption exceed Three Hundred and Sixty Dollars (\$360.00).

ARTICLE 6: APPLICATION

6-1 Any person or persons claiming such exemption shall file every three (3) years with the Commissioner of Revenue, on forms to be supplied by the County, an affidavit setting forth the names of the related persons occupying such real estate, and stating that the total combined income from all sources of the person or persons as specified in Article 4 does not exceed the limits prescribed in this ordinance. See Article 7. During the two-(2) year period between the filing of aforesaid affidavits, any person who has so qualified shall file an annual certification that no information contained on the last preceding affidavit has changed to violate the limitations and conditions set forth herein. Said certification shall be filed on forms supplied by the County at the time and place specified in this ordinance.

6-2 Such affidavit or certification shall be filed on or after the first day of January, but no later than the first day of April, of each year in which an exemption is sought.

6-3 The Commissioner of Revenue shall also make such further inquiry of persons seeking such exemption, requiring answers under oath, as may be reasonably necessary to determine qualifications therefor as specified in this ordinance. In addition, certified tax returns shall be produced by the applicant to establish income or financial worth.

6-4 Changes in respect to income, financial worth, ownership of property or other factors occurring during the taxable year for which the affidavit is filed and having the effect of exceeding or violating the limitations and conditions provided herein shall nullify any exemption for the then current taxable year and the taxable year immediately following.

ARTICLE 7: SEVERABILITY

7-1 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.

ARTICLE 8: CONFLICTING ORDINANCES

8-1 All conflicting ordinances or parts thereof which are inconsistent with the provisions of this ordinance are hereby repealed.

ARTICLE 9: PENALTY FOR VIOLATION

9-1 Any applicant making false statements to obtain tax relief under this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not to exceed Two Hundred Dollars (\$200.00).

The effective date of this ordinance will be January 1, 1999.

**FINAL RESOLUTION – BOND SALE FOR REFINANCING VRS PAYMENT**

The motion to adopt the final resolution for refinancing the indebtedness to the Virginia Retirement System by bond sale was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

RESOLUTION OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF MIDDLESEX, VIRGINIA  
AUTHORIZING THE ISSUANCE AND SALE OF THE COUNTY'S  
GENERAL OBLIGATION REFUNDING BONDS OR NOTES

WHEREAS, the Board of Supervisors ("Board") of the County of Middlesex, Virginia ("County") adopted a resolution on March 17, 1998 ("Resolution"), authorizing the issuance of general obligation refunding bonds or notes of the County in an aggregate principal amount not to exceed \$349,373 ("Bonds") for the purpose of refinancing the County's obligation to make certain annual payments to or on behalf of the Middlesex County School Division ("School Division") to pay the Virginia Retirement System ("VRS") the School Division's early retirement program costs as set forth in the Memorandum dated May 15, 1992, from the Director of VRS to Division Superintendents and Financial Officers of Public School Boards ("VRS Obligation"); and

WHEREAS, the Circuit Court of the County has, by Decree entered May 26, 1998, validated the issuance and sale of the Bonds pursuant to the Virginia Public Finance Act; and

WHEREAS, the Resolution authorizes and directs the County Administrator, the County Attorney and the Chairman of the Board and such officers and agents of the County as any of them may designate to take such actions as any of them deem necessary regarding the issuance and sale of the Bonds; and

WHEREAS, the County has distributed a request for proposals seeking bids for the purchase of the Bonds and of all of the bids received, the bid received by Crestar Bank offers to purchase the Bonds upon the terms most favorable to the County.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF MIDDLESEX, VIRGINIA:

1. Authorization of Bonds and Use of Proceeds. The Board hereby determines that it is advisable to contract a debt and to issue and sell the Bonds in an aggregate principal amount not to exceed \$349,373. The proceeds from the issuance and sale of the Bonds shall be used to refinance the VRS Obligation and to pay the costs of issuance of the Bonds.

2. Pledge of Full Faith and Credit. The full faith and credit of the County are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the Bonds as the same become due and payable. The Board shall levy an annual ad valorem tax upon all property in the County, subject to local taxation, sufficient to pay the principal of, premium, if any, and interest on the Bonds as the same shall become due for payment unless other funds are lawfully available and appropriated for the timely payment thereof.

3. Details and Sale of Bonds. The Bonds shall be issued upon the terms established pursuant to the Resolution, the bid letter of Crestar Bank ("Bid Letter"), which is hereby accepted, and upon such other terms as may be determined by the County Administrator in the manner set forth in this Resolution. The Bonds shall be issued as a single, fully registered bond and shall be dated such date as the County Administrator may approve. The Bonds shall mature on the date or dates, in the year or years and in the principal amount or amounts to be determined by the County Administrator in accordance with the Bid Letter. The Bonds shall be issued in such aggregate principal amount as the County Administrator may determine; provided that the aggregate principal amount of the Bonds shall not exceed \$349,373. The Bonds shall bear interest at such rate or rates as are set forth in the Bid Letter which is attached to this Resolution as Exhibit A and incorporated herein by reference.

4. Redemption of Bonds. The Bonds shall be subject to redemption on such terms as the County Administrator may approve.

5. Further Actions. The appropriate officers and agents of the County are authorized and directed to take such further actions and to execute such documents and certificates as they may deem necessary regarding the issuance and sale of the Bonds and all such actions previously taken by such officers and agents are ratified and confirmed.

6. Effective Date. This Resolution will take effect immediately upon its passage.

### **REQUEST FOR REFUND – SITE PLAN APPLICATION FEE**

The motion to refund the \$250.00 application fee to Ann R. Smith, for a site plan application that was submitted and withdrawn was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. It was noted that no cost or work on the application had been incurred by the County.

### **COOKS CORNER OFFICE COMPLEX**

#### ***Change Order – Painting:***

The motion to approve a change order for application of an additional coat of paint on interior walls at the complex, for \$3,795.00, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously. Original specifications for the project called for one coat of paint over one coat of primer.

#### ***Telephone System:***

Board members reviewed prices obtained for installation of the telephone system at the CCOC: The Other Phone Service (Impression System) - \$12,266.31; Claricom (Executone System) - \$19,953.00; GTE (Norstar System) - \$20,892.80. In addition, Claricom could install the Norstar system (same as GTE) for \$17,569.00. Differences in prices are results of differences in equipment and maintenance. Mr. Culley was asked to obtain references from the three companies and revised prices with voice mail deleted from the package. No further action was taken.

**DISBURSEMENTS**

The motion to approve disbursements numbered 29919 - 29929 and totaling \$23,424.24, and checks numbered 29917 and 29930 - 29936, totaling \$55,223.77, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

**RE-PRINTING RIVERS AND ROADS**

The motion approving the appropriation of \$2,466 for the re-printing of 10,000 copies of *Rivers and Roads* was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

**AUDIT**

The motion accepting the proposal to conduct the County's annual audit for a fee of \$15,500 was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**ADJOURN**

There being no further business, the meeting recessed until August 4, 1998.

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Fred S. Crittenden, Chairman  
Board of Supervisors