

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, MARCH 17, 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  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

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

**RECESS AND RECONVENE**

It was noted that the public hearings had been advertised to be held in the courtroom due to a possible crowd. The motion to recess and reconvene in the courtroom was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

**PUBLIC HEARING – ENHANCED 911 TAX ORDINANCE**

Tim Wilson, Planning Director, presented information regarding the proposed ordinance allowing for a tax of \$2.00 per telephone line to be collected which will be held for implementation and maintenance of an enhanced 911 system. Mr. Crittenden opened the public hearing for comments from the public.

Edward Harrow, Jr., commented that he supported the County obtaining an enhanced 911 system, however, requested that the collection of the tax be limited to telephone lines, not to include modems and facsimile machines.

Robert Tassone expressed his favor with the ordinance and with establishing the E-911 system. As a volunteer rescue squad member, he voiced his favor of establishing house numbering and street signs.

Harry Madsen, who worked on the original committee that named the public roads in the county, voiced his favor of the ordinance and questioned if the fee could ever be reduced. In response, Mr. Soberick read a section from the Code of Virginia that addressed the continuance of the fee at the original rate only if the revenue was used for equipment or dispatchers. Mrs. Weber added that a Northern Neck County was proposing to reduce their tax.

Bill Yarrington spoke.

Tyler Townsend spoke in favor of the system, adding that as a volunteer rescue squad driver it was difficult to locate houses. He asked that the Board consider the request of the businesses who did not wish to have the tax charged on modem and facsimile lines, however, he believed the businesses should consider the system as a cheap insurance policy.

There being no further comments, the public portion of the hearing was closed. Board members discussed the comments and noted that the telephone provider could be checked to see if modems and voice telephone lines could be separated. Mr. Culley noted that the greatest variable with the system is the personnel cost, which depends heavily on the level of emergency dispatching service established.

Mr. Soberick noted that in adopting the ordinance, the County must also make findings that an E-911 system will be installed in the locality and that the telephone

company has central office equipment which will permit such a system to be established.

The motion to adopt the ordinance as advertised and proposed was made by Mr. Jessie. Mr. Jessie amended his motion to include that telephone lines serving the fire departments and rescue squad buildings would be exempt from the tax. The motion was seconded by Mr. Williams and carried unanimously.

AN ORDINANCE OF THE COUNTY OF MIDDLESEX PERTAINING TO TAXATION, AND SPECIFICALLY TO IMPOSE A SPECIAL TAX FOR ENHANCED 911 EMERGENCY TELEPHONE SYSTEM

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

**911 EMERGENCY TELEPHONE SYSTEM**

***Section 1. Imposed***

Pursuant to the provisions of Section 58.1-3813 of the Code of Virginia, there is hereby imposed a special tax of Two Dollars (\$2.00) per month on each consumer of telephone service for each telephone line provided by any corporation subject to the provisions of Article 2, Chapter 26, Title 58.1 of the Code of Virginia, provided, however, that this tax is not imposed on federal, state, or local government agencies, or the volunteer fire departments and rescue squads.

***Section 2. Collection and disposition***

The tax payable each month shall be added to monthly statements tendered for telephone service and shall be paid to the company tendering the statement; the telephone company shall monthly make remittance of the taxes collected to the Treasurer of the County.

Adopted by the Board of Supervisors of Middlesex County, Virginia, as follows:

	YEA	NAY
Mr. Crittenden	X	
Mr. Williams	X	
Mr. Miller	X	
Mrs. Weber	X	
Mr. Jessie	X	

This ordinance shall be effective March 18, 1998.

**SPECIAL EXCEPTION APPLICATION 98-001, RALPH POLLARD**

Mr. Wilson presented the special exception application of Ralph Pollard, to operate a repair garage at Tax Map 38-307, a 3.43 acre parcel, zoned Low Density Rural. According to the application, no new buildings are proposed; the repair garage use would be conducted in an existing 24' x 24' garage building located towards the rear of the existing home on the property. An adjoining outdoor area of 50' x 75' will be used for repair and storage and must be screened from view. A maximum of ten (10) vehicles for repair may be located on the property at any given time.

Review would be required by the Virginia Department of Transportation to determine any necessary entrance improvements and permits for the proposed business. The Planning Commission recommended conditional approval.

Mr. Crittenden opened the public hearing for comments. There being none from the public, the public portion of the hearing was closed. The motion to approve Special Exception Application #98-001, for a repair garage at this property, with the following conditions, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

1. The repair garage use of the property shall be limited to the identified garage building and outdoor repair/storage area identified in the application. The outdoor repair/storage area shall be screened on all sides by a solid fence.
2. All vehicles and materials associated with the repair garage shall be kept in the garage building or approved, screened outdoor area at all times.
3. Any necessary VDOT entrance approval must be obtained prior to the establishment of the repair garage use.
4. The use of the property for repair work shall be conducted in a manner so that noise, lights, fumes, dust and other aspects of the use do not result in a nuisance to adjoining properties.

### **AUTHORIZATION TO ADVERTISE CHANGE IN FEES ORDINANCE**

Mr. Wilson advised the Board of an administrative variance procedure proposed for public hearing by the Planning Commission. Mr. Wilson requested the Board's authorization to advertise the amendment of the fee ordinance to include a \$50 fee for the administrative variance. This fee would cover the cost of sending certified letters as required. If a hearing by the Board of Zoning Appeals is requested because of adjoining property owner opposition, an additional \$200.00 would be charged the applicant. This would increase the total fee to \$250, the normal fee for a variance request heard by the BZA. The motion to schedule a public hearing on amendment of the fees ordinance was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **GENERAL OBLIGATION BOND**

The motion adopting the following resolution in connection with financing the retirement debt service with general obligation bonds was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

#### **A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MIDDLESEX, VIRGINIA AUTHORIZING THE ISSUANCE AND SALE OF A TAXABLE GENERAL OBLIGATION REFUNDING NOTE**

The County of Middlesex, Virginia (the "County"), is obligated to make certain annual payments (the "VRS Obligation") to or on behalf of the Middlesex County School Division to pay to the Virginia Retirement System (the "VRS") the Middlesex County School Division's early retirement program costs as set forth in the Memorandum dated May 15, 1992 from the Director of the Virginia Retirement System to Division Superintendents and Financial Officers of Public School Boards. The Board of Supervisors proposes to issue a general obligation refunding note of the County to refinance the VRS Obligation at a lower rate of interest.

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

1. Authorization of Note and Use of Proceeds. The Board of Supervisors hereby determines that it is advisable to contract a debt and to issue and sell the County's general obligation refunding note (the "Note") in the maximum principal amount of \$349,373 pursuant to Article 5 of the Public Finance Act of 1991, Chapter 26, Title 15.2, Code of Virginia of 1950, as amended (the "Act"). The issuance and sale of the Note is hereby authorized. The proceeds from the issuance and sale of the Note shall be used to refund the VRS Obligation and to pay the costs of issuing the Note.

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 Note as the same become due and payable. The Board of Supervisors 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 Note 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 Note. The Note shall be issued and sold in such manner (including competitive or negotiated sale) as the County Administrator may determine and upon the terms established pursuant to this Resolution and upon such other terms as may be determined by subsequent resolution of the Board of Supervisors.

4. Form of Note. The Note shall be in substantially the form attached to this Resolution as Exhibit A, with such appropriate variations, omissions and insertions as are permitted or required by this Resolution. There may be endorsed on the Note such legend or text as may be necessary or appropriate to conform to any applicable rules and regulations of any governmental authority or any usage or requirement of law with respect thereto.

5. Execution of Note. The Chairman and the Clerk of the Board of Supervisors of the County are authorized and directed to execute and appropriate negotiable Note and to affix the seal of the County thereto and to deliver the Note to the purchaser thereof upon payment of the purchase price. The manner of execution and affixation of the seal may be by facsimile, provided, however, that if the signatures of the Chairman and the Clerk are both by facsimile, the Note shall not be valid until signed at the foot thereof by the manual signature of the Note Registrar for the Note.

6. Judicial Validation. The County Attorney, such officers and agents of the County as he may designate, and McGuire, Woods, Battle & Boothe LLP, bond counsel, are authorized and directed to bring a proceeding to establish the validity of the Note pursuant to Article 6 of the Act.

7. Further Actions. The County Administrator, the county Attorney and the Chairman of the Board of Supervisors and such officers and agents of the County as any of them may designate are authorized and directed to take such action as they deem necessary regarding the issuance and sale of the Note and the matters set forth in this Resolution and all actions taken by such officers and agents in connection with the issuance and sale of the Note are ratified and confirmed.

8. Effective Date. This Resolution shall take effect immediately.

### **MIDDLE PENINSULA-NORTHERN NECK COMMUNITY SERVICES BOARD – GRANT PARTICIPATION**

The motion endorsing the MP-NN CSB competition for a federal grant for children's mental health services was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. County endorsement will be in the form of a memorandum of agreement and a letter of coordination and support. There are no County funds required for participation in this grant request.

### **OLD BUSINESS**

#### ***St. Clare Walker Roof:***

Mr. Soberick reported that payment of \$22,000.00 had been received from Ballou, Justice, and Upton, to be held in an account as compensation for possible future roof repair at St. Clare Walker.

#### ***Pole Removal at Airport:***

The property owner has signed an agreement allowing for removal of the power pole at the end of the runway that is encroaching into the GPS approach slope.

### **EXECUTIVE SESSION**

The motion to convene in executive session to discuss a matter requiring consultation with legal counsel, per Code of Virginia, Section 2.1-344.a7, was made by Mr. Miller, seconded by Mr. Jessie, and carried unanimously.

Upon reconvening in open session, the following motion was made by Mr. Williams, seconded by Mr. Miller and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted and identified in the motion by which the executive meeting convened were discussed in executive session.

Action:

There was no action as a result of the executive session.

### **REQUEST FOR CURFEW**

Mr. Johnny Fleet requested the Board consider adoption of a local curfew law, to be enforced by local law enforcement, in light of recent violence in the county. The Board suggested Mr. Culley talk with the Sheriff and Commonwealth's Attorney regarding this subject. Mrs. Weber commented she was interested in talking to the Sheriff about using outside agencies to help with the county's substance abuse problem.

### **ADJOURN**

There being no further business, the motion to adjourn until the budget public hearing advertised for March 24 at 7:30 P.M., was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

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Fred S. Crittenden, Chairman  
Board of Supervisors