

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, OCTOBER 6, 1998, 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

**CALL TO ORDER**

Mr. Crittenden called the meeting to order at 9:00 A.M., and opened with a prayer.

**MINUTES**

The minutes of the September 1<sup>st</sup> and September 15<sup>th</sup> meetings of the Board were reviewed. Mrs. Weber commented that the September 1<sup>st</sup> minutes should reflect the percentage of salary increase that was given to two employees. Mr. Crittenden noted that the language could not be included if it was not stated at the meeting. The audiotape of the meeting is to be checked to see if the percentages were stated at the September 1<sup>st</sup> meeting. The motion to include the percent of increases retroactive to July 1, in the minutes for September 1, if included on the tape, was made by Mrs. Weber, seconded by Mr. Williams and carried by vote of 4-1 (Crittenden opposed). Other minor changes to the draft minutes were made and the minutes approved as corrected by motion of Mr. Williams, second by Mr. Miller and carried unanimously.

**DISBURSEMENTS**

The motion to approve disbursements dated October 6, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously. Checks numbered 30491 through 30700 totaling \$321,959.49 were disbursed as approved. It was suggested that the Planning District Commission be contacted regarding the availability of scholarships for the certified planner course.

**PAYROLL**

The motion to approve payroll for the month of September was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Checks numbered 30381 through 30490, and 30487 and 30514 totaling \$110,249.37 were disbursed as approved.

**COMMITTEE REPORTS**

Mr. Williams:

- Planning District Commission –
- Legislative Matter – spoke with State legislators regarding landfill issues. The legislators pledged that they would be responding to our concerns.

Mrs. Weber:

- Emergency Communications Committee – A trip to Prince George and Dinwiddie counties has been scheduled for October 8<sup>th</sup> to observe their enhanced 911 operations and equipment.

- Anniversary Committee – The committee's newest project is the cataloging of cemeteries in the County.

Mr. Jessie:

- Jail Authority – New facility is 91% complete.
- Sports Complex – Bids are being sought to install irrigation systems and to raise the dugouts of some fields.

Mr. Miller:

- Chamber of Commerce – The Chamber will be having a panel question and answer discussion on the year 2000, on October 29, at the Deltaville Civic Assoc. Building.
- Dragon Run Steering Committee – Jim Uzel has put together a pamphlet depicting the watershed

Mr. Crittenden:

- Airport Committee – Glowing reports have been received regarding the Wings and Wheels event. A letter of thanks is to be sent to Mr. Barnhardt and his committee for their work.

Mr. Crittenden announced that he and Mr. Williams would be meeting with an executive committee of the Deltaville Civic Association on October 28<sup>th</sup>, to discuss the proposed water system. Mr. Culley and Mr. Soberick have also been asked to attend the meeting.

Mrs. Weber passed along words of thanks from David Milby who is recovering from his recent accident.

### **CONSTITUTIONAL OFFICERS**

**Commissioner of Revenue:** Mr. Lewis estimated his department was 30 days behind with personal property bills. Mr. Lewis informed the Board of overtime his employees were putting in to compensate for the additional workload in real estate and property. According to Mr. Lewis, the state considers these issues a County problem. Mr. Lewis informed the Board that one employee would be retiring next year; another would be out for an extended period due to family illness.

#### ***Sheriff:***

The Sheriff was not available for the meeting due to a family emergency.

#### ***Treasurer:***

According to Mrs. Wilson, the County's portion of Trigon stock proceeds has been expended.

Mrs. Wilson expected to hear by the end of October from the Compensation Board regarding additional funding for her office to compensate for additional workloads created by the Governor's car tax refunding proposal. Mr. Culley had estimated that salaries and equipment associated with the car tax would cost the County an additional \$68,477 to implement.

### **OPERATION THANKSGIVING**

Bill Bagby, representing Bethlehem Star Lodge, requested the Board's endorsement of the Lodge's Operation Thanksgiving project. According to Mr. Bagby,

115 families were served by the project last year. The motion to endorse the project was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

### **CURFEW ORDINANCE**

As Sheriff Dandridge was not in attendance, there was no discussion regarding the proposed curfew ordinance. Commonwealth's Attorney, James H. Ward, Jr., was asked to meet with Sheriff Dandridge and Mr. Soberick to discuss the feasibility of such an ordinance.

### **HIGHWAY MATTERS**

**Resident Engineer:** Mr. Bill Sullivan introduced himself to the Board as the new resident engineer for the Saluda Residency.

**Rt. 636:** work should be starting within the next month, pending receipt of a signed contract.

**Six-year Improvement Program:** Assistant Resident Engineer, Mauris Mackenzie and Gary Williams, presented the proposed six-year improvement budget for secondary roads and proposed projects to be funded with these funds. Paved projects included Routes 636, 631, 630 and 637. Unpaved projects included phases I and II of Route 648 and Route 604. Mr. Mackenzie discussed the procedure for adding projects to receive funds as rural additions. The motion to schedule a public hearing for November 17<sup>th</sup>, to receive comments on the proposed budget and projects was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

### **SCHOOL MATTERS**

**Traffic SCW:** Mr. Lackey requested the Board's continued support regarding traffic control at St. Clare Walker.

**Student Drop-Off:** Mr. Lackey will be working with VDOT to design student drop-off areas separate from the bus loops at Rappahannock Central and Wilton. According to Lackey, 40-60% of students ride the bus, others are dropped off. Mr. Lackey considers parent drop-off a bonus, considering the number of special education challenges and handicapped children currently served by the school system.

**Capital Improvements:** There has been a meeting with the public to discuss proposed capital improvements at the schools. A meeting with the school board will be scheduled in the future.

**Enrollment:** Mr. Crittenden requested enrollment figures per grade level as of June 1998. According to Mr. Lackey, the current budget was built on revenues for 1425-1430 students. Mr. Lackey has initiated a spending freeze to help compensate for possible state revenue shortfalls.

### **DR. RIC DAVILA**

Dr. Davila, offered to donate his property adjoining Rappahannock Central Elementary, for a student drop-off. In addition, Dr. Davila offered land behind his dental office for use by the regional security center as a garden.

### **VIRGINIA PUBLIC SCHOOL AUTHORITY**

The following resolution, agreeing to the terms of a school bond refinancing was approved by motion of Mr. Williams, seconded by Mr. Jessie and carried unanimously:

#### USE OF PROCEEDS CERTIFICATE

This certificate is provided by the County of Middlesex (the "County") to the Virginia Public School Authority (the "Issuer") in connection with the distribution by the Issuer to the County of the net savings realized by the Issuer (the "Distribution") through the issuance of its \$224,285,000 School Financing and Refunding Bonds (1997 Resolution) Series 1997-I (the "Bonds").

We understand that the proceeds of the Bonds were used to refund portions of the Issuer's \$40,940,000 School Financing Bonds (1987 Resolution) 1991 Series A (the "1991 Bonds") and \$68,365,000 School Financing Bonds (1987 Resolution) 1992 Series A (the "1992 Bonds") a portion of the proceeds of which were used to purchase the County's bonds issued on May 19, 1992 (the "County Bonds").

In connection with the issuance of the County Bonds, the County executed a Use of Proceeds Certificate (the "Use of Proceeds Certificate") that recognized that the County Bonds were purchased by the Issuer with the proceeds of the 1992 Bonds and that the exclusion from gross income of interest on the 1992 Bonds was based in part on the use of proceeds of the County Bonds and the school projects financed by such proceeds (the "School Projects") by the County. Consequently, the Use of Proceeds Certificate contained certain representations and covenants of the County regarding the use of the proceeds of the County Bonds and the School Projects.

The County recognizes that the exclusion from gross income of interest on the Bonds is based in part on the representations contained in the Use of Proceeds Certificate and contingent on the continuing compliance by the County with the covenants contained in the Use of Proceeds Certificate.

Accordingly, the County certifies that it has reviewed the representations set forth in the Use of Proceeds Certificate with respect to the School Projects (the "UPC Representations") and the use of the School Projects and that it has discussed with the School Board of the County (the "School Board") their use of the School Projects. Based on such review and discussions, the County hereby certifies that the UPC Representations continue to be true and correct. Such provisions are hereby incorporated by reference into this certificate and shall be treated as representations made by the County as if set forth herein. Furthermore, the County has discussed the UPC Representations with the School Board and neither the County nor the School Board will take any action that is inconsistent with such UPC representations.

The County further covenants that:

- (a) it shall use the Distribution to pay for the cost of public school capital purposes within six months of the date hereof and that such public school capital purposes shall be used in a manner consistent with the UPC Representations (references to school projects shall hereinafter include the public school capital purposes acquired with the Distribution);
- (b) it shall not sell or otherwise dispose of the School Projects prior to the final maturity date of the Bonds of August 1, 2017 except as shall be permitted in the opinion of an attorney or firm of attorneys, acceptable to the Issuer, nationally recognized as experienced with respect to matters pertaining to the exclusion from gross income for federal income tax purposes of interest on obligations of States and political subdivisions;
- (c) it shall not knowingly take any action which will, or fail to take any action which failure will, cause the interest on the Bonds to become includable in the gross income of the owners of the Bonds for federal income tax purposes pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder in effect on the date of original issuance of the Bonds; and
- (d) in furtherance of its obligations under its County Bonds, it shall obtain the same covenants contained in subparagraph (a), (b) and (c) above from the School Board with respect to the School Projects.

## **PLANNING MATTERS**

### ***Proposed Zoning Ordinance Amendment – Land Use Permits:***

The Board considered a proposed resolution requesting the Planning Commission to consider adoption of a zoning ordinance amendment which if adopted, would restrict consideration or processing of land use permits (building, zoning, etc.) unless all real estate taxes are paid. The motion to adopt the following resolution was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously:

### **RESOLUTION**

**Whereas**, the County of Middlesex is responsible for the processing of various land use applications submitted by property owners under the requirements of the Middlesex County Zoning Ordinance, and

**Whereas**, to promote the general welfare and for good zoning practice the Middlesex County Board of Supervisors desires to amend the Middlesex County Zoning Ordinance to establish that no permit applications or approvals required under the ordinance will be processed for any property having delinquent real estate taxes owed to the County,

**Now, Therefore, Be It Resolved** that the Board of Supervisors does hereby initiate amendment to Article 21, Zoning Permits and Enforcement, Middlesex County Zoning Ordinance, to add the following provision as permitted under Section 15.2-2286.B. of the Code of Virginia, 1950, as amended,

*“No application for zoning permit, special exception permit, variance, rezoning, or any other land use permit or application approval required under this ordinance shall be processed for any property which delinquent real estate taxes are owed to Middlesex County. Any such application shall be returned to the applicant without action and notice given that such application may not be resubmitted for consideration without satisfactory evidence that any delinquent real estate taxes owed and properly assessed against the subject property have been paid.”*

**Be It Further Resolved** that this amendment be forwarded to the Middlesex County Planning Commission for public hearing and recommendation and that public hearing on this amendment be scheduled for public hearing by the Middlesex County Board of Supervisors on November 17, 1998 pursuant to Sections 15.2-2204 of the Code Of Virginia, 1950, as amended.

### ***Request to Reduce Fee:***

The Board considered a request from Bryan Robinson to reduce the fee for a rezoning application to cover advertising and certified mailing costs. Mr. Robinson had withdrawn a previous application prior to public hearing by the Board of Supervisors, filing a revised application to be heard by the Planning Commission and Board. The motion to deny the request was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

Mr. Robinson attempted to hand deliver his revised application and plan to the Board. Mr. Crittenden advised him that the plans must be distributed by the county's planning department.

### ***Site Plan Application***

Discussion continued from the September 15th meeting concerning Site Plan Application SP 98-009, of Delaware Corporation to locate a maintenance building at Tax Map 30-108 and 109 adjoining the County airport. The FAA, after further study of the proposed location, relative to the air safety zones, declared that a portion of the building would be an obstruction, but not a hazard to air navigation. The FAA would

require lighting of the facility in accordance with their previous recommendation to the Board of Zoning Appeals.

Mrs. Weber questioned what impact approval of the facility would have on the County's receipt of future funding from the state, considering the State's Department of Aviation had declared it would be a hazard.

The motion to approve the application as recommended by the Planning Commission was made by Mr. Jessie; there was no second to the motion. The motion was defeated by vote of 2 for (Jessie, Crittenden), 3 opposed (Miller, Williams, Weber).

## **APPOINTMENTS**

### ***Airport Committee:***

The motion to appoint the following representatives to the Airport Committee as recommended, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously:

SEAT PREVIOUSLY HELD BY	RECOMMENDATION	TERM EXPIRES
David Johnson (Pinetop District)	Peter Kucera	8/31/01
Fred Williams (Pinetop District)	Maxine Walker	8/31/02
Genevieve Orange (at-large)	Robert Crump	8/31/02

### ***Rappahannock River Basin Commission:***

The motion to appoint Kenneth Williams to serve as the County's representative on the Rappahannock River Basin Commission was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously. Mr. Williams had been serving on the Study Commission.

## **APPROPRIATION REQUEST**

The motion approving the appropriation of revenue received from the State's Fire Program Fund was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously. This money will be distributed to three of the County's fire departments; The Town of Urbanna distributes fire program funds to the Middlesex Fire Department in Urbanna.

## **HEALTH INSURANCE**

Discussion continued regarding increasing the employer share toward health insurance premiums. At the September 15<sup>th</sup> meeting, Mrs. Walton had requested the Board to consider full funding of the employee health insurance. Mr. Culley advised the Board that there were sufficient funds remaining in the employer share budget line, due to savings from proceeds of TRIGON stock, to increase the employer share by \$43.52, to a total of \$213.07. This increase would cost an additional \$1,827.84 per month, approximately \$21,934.08. With a 14% increase in cost anticipated for insurance premiums for FY 00, the cost of providing the additional funding would rise to an estimated \$25,004.85.

The motion to increase the amount of employer contribution to health care coverage to \$213.07 was made by Mr. Williams, seconded by Mr. Miller and carried unanimously. It was added that this contribution is only for those employees covered by the County's health plan and was subject to change in future years.

### **VIRGINIA RETIREMENT SYSTEM**

The Board considered a recommendation from Mr. Culley to convert from the "Rule of 90" to the Rule of 85" with regard to retirement benefits. If approved, the rule of 85 would allow an eligible employee to retire without loss of benefits at age 55, with 30 years of service, rather than a combination of 90 years. To implement the lower age for covered employees, the VRS compensation rate would increase from 6.78% to 6.95%. Based on current salaries, this would amount to a monthly increase of \$190.35; \$2,284.20 annually.

Mr. Culley was requested to research each department to see if funds were available to cover the additional expense. No further action was taken at this time.

### **COLEMAN BRIDGE TOLLS**

The motion to approve endorsement of a letter to the Honorable Shirley J. Ybarra, Secretary of Transportation, in opposition to increased tolls on the Coleman Bridge, was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

### **VIRGINIA ASSOCIATION OF COUNTIES**

The motion to designate Mr. Williams as the County's voting representative at the Virginia Association of Counties annual business meeting was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

### **COUNTY PROPERTY AND LIABILITY INSURANCE**

The Board reviewed a letter received from Kenneth Richardson, Tidewater Insurors, the County's agent for property and liability insurance. Mr. Richardson stated that as the Middlesex County Museum and County of Middlesex are two separate entities, there is no way to show that the County has an insurable interest in the Museum. The Company is therefore unable to add the building and contents for the new location owned by Middlesex County Museum.

Mr. Culley was instructed to notify the president of the Museum and advise him of this decision. It as noted that the Museum could ask for additional funds from the Board to cover providing their own insurance.

### **INTERNET ACCESS**

Discussion on this matter would be delayed until the evening meeting.

### **NOVEMBER MEETING DATE**

There being no opposition, the Board would meet according to its regular 1<sup>st</sup> Tuesday schedule, even though the first Tuesday in November is election day.

### **4-H PRESENTATION**

Kendra Kyle, the County's 4-H agent presented Board members with a small gift in recognition of national 4-H week. Miss Kyle provided updates regarding 4-H participation in the County and at state events and thanked the Board for their support.

### **COOKS CORNER OFFICE COMPLES**

The motion to approve painting the metal roofs on the Cooks Corner Office Complex, for a cost of \$3,700 labor and materials, was made by Mr. Jessie, seconded by Mr. Miller and carried unanimously.

### **EXECUTIVE SESSION**

The motion to convene in Executive Session for discussions involving litigation involving the airport and a pending legal matter, per Code of Virginia, Section 2.1-344.a7 was made by Mr. Jessie, seconded by Mr. Miller 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:

As a result of the executive session, there was no action.

### **ADJOURN**

There being no further business, the meeting was adjourned. The next regular meeting of the Board would be on October 20, 1998, at 7:30 P.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors