

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS
HELD ON TUESDAY, JULY 20, 1999, 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 Soberick, County Attorney

CALL TO ORDER

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

PUBLIC HEARING – MEALS TAX ORDINANCE

Mr. Culley presented information regarding the proposed county meals tax ordinance, which if ordered by the Circuit Court, would appear on the special election ballot as a binding referendum. The ordinance proposes a 4% tax on prepared food at restaurants and convenience stores in the County. The tax would be remitted to the County with a 5% collection fee retained by the restaurants as a collection fee. The revenue from the collection of the tax has been included in the County's budget for FY 2000, as a way to fund the debt service and interest for an upgrade to the emergency communications system.

Mr. Crittenden opened the hearing for comments from the public. Following is a list of those speaking:

- Frank Johnson, owner of the Galley Restaurant – opposed tax; the Town of Urbanna contributes nothing; the tax singles out the restaurant industry and was not distributed equally throughout the County; suggested using alternative revenue sources, such as increasing the real estate tax rate.
- Elizabeth Perkins – opposed; the tax is effecting a small group; visitors to the County that are dining at the various restaurants do not require any other services.
- Bob Henkel, representing the Urbanna Town Council - the Town would be willing to negotiate a contribution of the tax collected; the meals tax was one way for the tourist that benefits from the community to give back. At the Town's public hearings, there was one speaker in opposition and five who spoke in favor. Administration/collection of the fee is minimal for the businessman.
- Ray Wade - he did not want the tourists who support the restaurants to be taken advantage of.

- Stuart Shupe – opposed tax; Middlesex County was not like Virginia Beach, which had many services to support.
- George Harris - questioned the alternative revenue sources available. Mr. Culley discussed the report that was presented to the Board at an earlier meeting, which updated a report prepared in 1996 by an ad-hoc committee. This report computed revenue, which could be received from adoption of a BPOL tax, disposal fees, contractor's fees, and increasing personal property taxes.
- Jerry May - opposed tax; requested a tax on real estate and not to single out businesses.
- Mr. Henkel - reminded the public that it is not the business that would pay the tax, but the people using the service that pay the tax.

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

Board members commented on the limited calls they had received in opposition to the tax. Mr. Crittenden added that the Board had tried not to enact any taxes that were not necessary. It was noted that the original alternative revenue study was made in 1996, but the Board chose not to enact taxes that were not a necessity. Mr. Crittenden said that he did have a problem with the Town adopting a meals tax in March. Mr. Crittenden suggested that the County not be sectionalized, because all people will benefit from the improvements in communications.

No action was taken regarding adoption. Mr. Crittenden hoped the negotiations with the Town regarding their contribution could be finalized before a decision is made on August 17.

DEPARTMENT OF SOCIAL SERVICES

The motion to endorse a \$5,000 grant application, with no local match, was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously.

SCHOOL RESOURCE OFFICER

The Board reviewed the draft memorandum of agreement for the school resource officer and made the following comments:

- Language regarding when the uniform is to be worn needs to be stronger.
- The selection of the individual should be made jointly.
- Information should be included listing the amount of the grant and that the position is for salary only and is funded by grant funds only. A clause that the County will incur no financial responsibility or obligation for the position is to be included.
- The position is to be held by a certified deputy.

RADIO COMMUNICATIONS ENGINEERING PROPOSAL

Mr. Culley explained that three firms had responded to the County's request for proposals for engineering services to manage the radio communications project. The Committee ranked the firms (Atlantic Tower; Hayes, Seay, Mattern & Mattern; Frank Griffith) and invited Atlantic Tower back for supplemental interviews. Atlantic Tower submitted a proposal of \$65,200 (\$63,200 professional services, \$2,000 for reimbursable expense) for the design and implementation of a County-wide communications system. Atlantic Tower submitted an additional proposal to provide project management for the E-911 project for \$35,000.

Mr. Culley commented that the firm would be using their instrumentation to design the system that would work best. The company would also be responsible for bidding, inventory of equipment, and testing. Mr. Soberick requested that a non-discrimination clause be added to the agreement.

The motion to accept the contracts for both projects, totaling \$100,200, with the addition of a non-discrimination clause, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

DISBURSEMENT

The motion to approve a disbursement for \$8,650, check numbered 32833, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

STREET NAMING APPLICATION

The motion to approve the name of "Pit Road" for a private road off Route 33, Harmony Village area, was made by Mr. Williams, seconded by Mr. Miller and carried unanimously.

"RELIGIOUS PROTECTION ACT"

The motion to support the NACo position opposing House Resolution 1691, the Religious Protection Act, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously.

SALE OF COUNTY OWNED PROPERTY

Mrs. Weber questioned the recent sale of weapons from the Sheriff's Department to an individual and to another sheriff's department. Mr. Soberick commented that these items were public property and should have been disposed of according to public procurement procedures. Mr. Soberick will contact the Sheriff to discuss the matter.

EXECUTIVE SESSION

The motion to convene in Executive Session, per Code of Virginia, Section 2.1-344.a1, to discuss matters relating to personnel, was made by Mr. Miller, seconded by Mr. Williams 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.

ADJOURN

There being no further business, the meeting recessed until the next regular meeting scheduled for August 3, 1999, beginning at 9:00 A.M.

Fred S. Crittenden, Chairman
Board of Supervisors