

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 16, 1999, 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  
Tim Wilson, Planning Director

**CALL TO ORDER**

Mr. Crittenden called the meeting to order at 7:30 P.M. and opened with prayer.

**PUBLIC HEARING – APPLICATION SITE 99-10, OSCAR BARBER, DELAWARE CORPORATION**

Mrs. Weber excused herself from the table, noting that she would not participate in discussions of this issue due to a possible conflict of interest.

Mr. Wilson presented application SITE 99-10, a Major Site Plan application submitted by Oscar Barber, Delaware Corporation, for construction of a 12,000 square foot facility to be used as an airplane maintenance hangar and flying school office building. This facility is proposed to be located on Tax Map 30-108 and 109, adjoining Hummel Field, the County public-use airport.

A zoning history of the property, from April 20, 1998 to present, was attached to the Staff Report. Conditional preliminary approval for this application was granted by the Planning Commission on August 10, 1999. Conditions included:

- Approval of Lot Line Vacation and Boundary Line Adjustment Subdivision Applications.
- Approval of a Commercial Entrance Permit by the VDOT for the proposed facility entrance on Highway 3.
- The installation of the infiltrator system depicted on the site plan.
- The planting of trees as depicted on the site plan.
- Compliance with approval conditions of Variance #98-008 (lighting of building pursuant to FAA regulations)

According to Mr. Wilson, conditions #1 and #2 have been met. Final review and approval authority of this application has been transferred from the Zoning

Administrator to the Board of Supervisors pursuant to Zoning Ordinance Section 17A-16. Mr. Crittenden opened the public hearing for comments from the public. Comments were received from the following:

- Retired Admiral Bert Chase – The Global Positioning Satellite approach has been authorized and 90% or more of the proposed facility will protrude into restricted airspace. Admiral Chase reminded the Board of the pending litigation due to hazards at the northern end of the runway and encouraged the Board not to approve this request. In addition, Chase inferred that the County would be held liable for any accidents at the airport if this additional obstruction were approved.
- Joey Caprio, Counsel for the Applicant – questioned the dates of the preliminary approval and the time allowed for Board members to call for a public hearing on the application.
- Oscar Barber – The FAA has sent a letter which stated that the GPS approach was not conditional on an unobstructed airspace. In addition, a March 9, 1998 letter from the Virginia Department of Aviation noted that an airspace hazard would be permitted in this area.

The public portion of the hearing was closed. Mr. Wilson noted that no final approvals have been granted and the Planning Commission's decision to grant preliminary approval was not unanimous.

Mr. Williams requested a clarification of the dates for the Board to call for a public hearing. According to Mr. Wilson, the Board has three (3) days after final site plan approval has been granted, in which to call for a public hearing and final approval authority. This application has not received final approval, and Mr. Williams was correct in his ability to call for a public hearing.

Mr. Miller questioned the purpose of the red light conditioned by the FAA. Mr. Barber noted that red lights are used to mark obstructions.

Mr. Williams commented that there have been no changes have been made since a previous application which would make this use any more safe.

Mr. Soberick commented that in the event of a tie vote, the application would be neither approved or denied.

Mr. Crittenden noted that the Virginia Department of Aviation's previous concern was expressed more for the County's potential loss of revenue due to fuel sales.

The motion to deny approval of the site plan was made by Mr. Williams, seconded by Mr. Miller. A tie vote followed, with Williams and Miller voting in favor of the denial; Crittenden and Jessie against and Weber abstaining. This vote resulted in no action being taken.

The motion to approve the request was made by Mr. Jessie, with no second. A tie vote followed, with Crittenden and Jessie voting in favor of the approval, Miller and Williams opposed and Weber abstaining.

According to the Zoning Ordinance, a board has 12 months while the application is still valid to reach a decision or a tiebreaker could be appointed for a term of four (4) years, and required to act. According to Mr. Soberick, there was no action taken to either approve or deny the application. Mr. Soberick was asked to research and verify the Board's options regarding the application.

### **EMERGENCY GENERATOR**

According to Mr. Culley, a meeting was held with representatives of the Jail Authority, Sydnor Hydrodynamics and the County to discuss the option of providing a generator to supply emergency power to the Saluda water system. Sydnor has proposed to install a 125-kilowatt generator at a cost of \$45,765.72 to be divided between the three groups (\$15,255.24 each). The Jail Authority has already approved the proposal. Mr. Williams and Mr. Crittenden noted their opposition to the County paying for the generator and believed that the company and the largest user of the service, the Jail, should pay for the convenience of having a constant water supply.

Bill Thrift, Chief of the Middlesex Volunteer Fire Department, supported the generator plan as a way to provide a method of fire protection during power outages. Mike Anderburg, a resident of Cedar Point subdivision, which has a water system maintained by Sydnor, commented that because the company was in existence prior to the State Corporation Commission, the company was not required to provide many amenities of newer systems.

No action was taken on this matter at this time.

### **SPECIAL EXCEPTION APPLICATIONS SP-99-06 AND SP-99-08 SPRINT, PCS**

Action on these applications was continued from the October 19<sup>th</sup> meeting pending receipt of a letter from Sprint, PCS, confirming a provision to provide tower space, or the right of first refusal for the last available space, to the County. This confirmation has been received. The motion to approve these applications recommended by the Planning Commission as follows was made by Mr. Miller, seconded by Mr. Williams and carried unanimously:

- Review and approval of the proposed tower by the Federal Aviation Administration (FAA).
- The applicant shall provide opportunity for the co-location of additional antennas and communication equipment by other telecommunication providers and potential users.
- In the event that all communication use of the tower becomes inactive or ceases for a period of 2 years or more, the tower shall be removed from the property. The

applicant shall post a bond or other form of acceptable surety with the County to cover the cost of tower removal.

### **REASSESSMENT UPDATE**

Mike Didawick, representing Blue Ridge Appraisal, informed the Board that he had reviewed 514 cases during the two week hearing process. He advised the Board that the next step for citizens with concerns about their proposed reassessment was appeal to the Board of Equalization. Mr. Didawick commented that he would like to be a part of the training of that Board. He noted that there were approximately 20 additional properties that were not included in the original assessment, but were added after his firm had received their working records from the Commissioner's. These were being assessed. Mr. Didawick noted that the total value of properties had increased 5% since the previous assessment. Letters confirming the hearing and listing any changes as a result of the hearing process would be sent out by the end of the week.

Mr. Crittenden allowed several citizens to comment. Mr. John I. Fleet, Jr., noted that the assessors who performed the actual appraisals were not at the hearings and the work was reviewed by someone not familiar with the properties or area. Mr. Fleet also noted that he had been assessed for improvements (a house) that had been burned and removed from the property several years ago. Mr. Crittenden also commented that it was obvious in some cases that the appraisers did not do a thorough inspection of properties they were assessing.

Oscar Barber noted that he had not received any of his reassessment notices. Mr. Crittenden added that the firm had done a poor job of getting notices to the people in time for them to review their information and schedule a hearing if necessary. Mr. Crittenden also noted his opposition to a blanket rate being applied for water and sewer utilities when the conditions and values of these utilities could vary greatly between properties.

There was no further comment from the Board.

## **SHERIFF ELECT – GUY ABBOTT**

**Satellite Office:** Mr. Abbott noted his intention to open a satellite office in the Deltaville area. Remodeling of an office area is being donated; expense to operate the office will include telephone and electrical service.

**Magistrate's Office:** Mr. Abbott informed the Board of his intention to not provide office space for the magistrate's within the Sheriff's Office. Space for the magistrates was included in the plan for Jail construction and is currently available for their use.

**Training Academy:** Mr. Abbott advised the Board of his plan to utilize the training facilities of the Hampton Roads Training Academy for training at a cost of \$180 per person per year. This cost is much less than that paid to the Rappahannock Criminal Justice Academy in Fredericksburg, plus it will not be necessary to provide room and board out of the area for those in training. According to Abbott, this is the only academy in the State that does pressure training exercises for dispatchers. In addition, the regional jail has several certified instructors and classroom space available that can be used for re-certification.

Mr. Williams noted his appreciation for Mr. Abbott coming to the Board with his proposals.

## **CLOSED MEETING**

The motion to convene for a closed meeting with Sheriff Elect Abbott to discuss a personnel issue, pursuant to Code of Virginia, Section 2.1-344.a1, and with School Board Chairman John Moore, pursuant to Section 2.1-344.a6, to discuss land acquisition, and pursuant to Section 2.1-344.a7 to discuss pending litigation with the County Attorney, was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. Upon returning to open meeting, the following motion was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously:

- To the best of the members' knowledge, only public business matters lawfully exempted from open meeting requirements under Code of Virginia §2.1-344.1,6 and 7 and identified in the motion by which the Closed Meeting convened were heard, discussed, or considered by the public body.

Action:

There was no action as a result of the closed meeting.

## **BOND SALE PROCEEDS**

According to Mr. Moore, proceeds from the bond sale, 9.867 million dollars, would be wired transferred to Chesapeake National Bank at 10:00 A.M. on November 17. This money would be put into a State Non-Arbitrage Program (SNAP) account at a

rate of 5.62%, and is not subject to interest rate limits. The Board and Mr. Moore discussed who to assign as agents of the County to be responsible for the account. The motion to list the following as authorized representatives for the account was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously: Mr. Culley, Mr. Moore, Mrs. Wilson (Treasurer), Mr. Hunt (Chesapeake National). Approval by at least two of the County representatives would be required before withdrawals or transfers could be made.

The motion to approve the following resolution of indenture was made by Mrs. Weber, seconded by Mr. Miller and carried unanimously:

**DESIGNATION OF AUTHORIZED  
REPRESENTATIVE OF BOARD OF SUPERVISORS**

The Board of Supervisors of Middlesex County, Virginia (**the "Board"**) hereby designates the person listed below as an additional authorized representative of the Board under that certain Indenture of Trust (**the "Indenture"**), dated as of November 1, 1999 between the Industrial Development Authority of Middlesex County, Virginia (**the "Authority"**) and Chesapeake Bank, and certifies that the signature appearing at the right of the name and title of such person is his true and genuine signature:

<b><u>Name</u></b>	<b><u>Title</u></b>	<b><u>Signature</u></b>
John M. Moore	Chairman, School Board	_____

The above named person shall serve in such capacity until such time as his successor shall have been appointed and written notice of such appointment delivered in accordance with the Indenture.

Dated: November 16, 1999

**BOARD OF SUPERVISORS OF  
MIDDLESEX COUNTY, VIRGINIA**

By: \_\_\_\_\_  
Chairman

**VIRGINIA POWER**

Mr. Culley presented photographs of two types of poles that Virginia Power could install in their service upgrade to Gloucester. The motion to recommend the use of the Corten metal pole in this instance, rather than the galvanized metal, was made by Mr. Miller, seconded by Mr. Williams and carried unanimously.

**GEORGE WASHINGTON DAY**

The motion endorsing the announcement of November 17 as George Washington Day, was made by Mr. Miller, seconded by Mr. Jessie and carried unanimously.

## **APPOINTMENTS**

**Road Viewers:** The motion to appoint Mr. O. C. Shank and Mr. Amos Carver to the positions of road viewers was made by Mr. Miller, seconded by Mrs. Weber and carried unanimously. A third road viewer will be appointed at the December 7<sup>th</sup> meeting.

**Board of Equalization:** No action was taken regarding appointment of representatives to the Board of Equalization.

## **RECOGNITION**

The Board concurred with Mrs. Weber's suggestion that plaques be designed and presented to the three outgoing constitutional officers at the Board's December 7<sup>th</sup> meeting.

## **ADJOURN**

There being no further business, the meeting was adjourned. The next regular meeting of the Board was scheduled for Tuesday, December 7, 1999, at 9:00 A.M.

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Fred S. Crittenden, Chairman  
Board of Supervisors