

AT A MEETING OF THE MIDDLESEX COUNTY BOARD OF SUPERVISORS  
HELD ON TUESDAY, NOVEMBER 7, 2000, IN THE BOARD ROOM OF THE  
WOODWARD BUILDING, SALUDA, VIRGINIA:

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

Charles M. Culley, Jr., County Administrator  
Michael T. Soberick, County Attorney

**CALL TO ORDER**

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

**MINUTES**

The motion to approve the minutes of the October 3<sup>rd</sup> and October 17<sup>th</sup> meetings was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

**DISBURSEMENTS**

The motion to approve the disbursements as presented was made by Mrs. Weber, seconded by Mr. Williams and carried unanimously. Checks numbered 36901 through 37070 totaling \$328,240.13 were disbursed as approved. Board members requested that the Sheriff's Department be more prompt in transmitting their bills to the Administrator for payment. Mr. Crittenden made a motion to write the Social Services Director requesting the enforcement of a "no food or drink" policy for the waiting room and adding that any future cleaning of the carpet would be done at the expense of the Department of Social Services. This motion was seconded by Mrs. Weber and carried unanimously. The possibility of removing the carpet and installing floor tile was suggested.

**PAYROLL**

The motion to approve payroll for the month of October was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. Checks numbered 36806 through 36900 totaling \$145,872.08 were disbursed as approved.

## **COMMITTEE REPORTS**

Mr. Williams:

- Planning District Commission - Discussed staff activities; audit report; ARC view training; certified planning commissioners program - grant for one commissioner to attend; the Virginia Transportation Development Plan; legislative agenda; review of aid to localities.

Mrs. Weber:

- Comprehensive Services - Reported that a child had moved to Middlesex who had been in an alternative day placement in Newport News. Middlesex is now responsible for providing this service at a cost of \$110 per day.
- Rappahannock River Basin Commission - Emphasized the need to plan for water resources - should be addressed in the County's comprehensive plan and major subdivision ordinances.
- Communications Committee - members have been encouraged to attend the Planning Commission meetings on the tower applications.

Mr. Jessie:

- Jail Board - No report.

Mr. Crittenden:

- School Crossing - met with Ben Humphreys, who suggested talking with another member of the Commonwealth Transportation Board who has summer property in the County.
- Airport Committee - Recommended that the Committee be expanded by one (1) at-large member.

Mr. Culley:

- Communications Addition - Contractor has planned to be installing sheetrock by December 1<sup>st</sup>.

Mr. Miller:

- Thanked all Board members for filling in for him during his recent illness.

## **CONSTITUTIONAL OFFICERS**

### **Commissioner:**

Mrs. Ebinger advised the Board of the November 1<sup>st</sup> deadline for land use applications.

### **Treasurer:**

Mrs. Bray reported that \$25,000 in delinquent taxes was collected between the time the newspaper article ran and the actual list of delinquent tax payers; no payments have been received since the list was printed.

### **Sheriff:**

Fran Shepherd, representing the Sheriff's Department, was requested to present bills for payment in a more prompt manner.

## **HIGHWAY MATTERS**

Jamie Surface was present representing the Highway Department.

### ***Rt. 629, My Lady's Swamp:***

New piles should be set in November or early December.

### ***School Crossing:***

A traffic study was conducted at the request of the Fredericksburg District Office. Mr. Surface indicated he would pass along a drawing of improvements suggested by a citizen.

## **SCHOOL MATTERS**

### ***Appropriation Requests:***

The motion to approve the appropriation of Bay Consortium Workforce Investment Board funds for a youth program, was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. TO: 4-023-60010-6210, \$6,000.00; FROM: 3-023-33020-0901, \$6,000.00.

The motion to approve the appropriation of \$70,000 in grant funds from the Department of Housing and Community Development, was made by Mr. Williams, seconded by Mr. Jessie and carried unanimously. TO: 4-023-060010-6210, \$70,000; FROM: 3-023-33020-6000, \$70,000.

***Golf Tournament:***

Mr. Lackey reported that \$4-\$5,000 had been raised at a recent golf tournament sponsored by the Athletic Department.

**BAY TRANSIT**

Kathy Vestley and Allyn Gemerek from the Chesapeake Agency on Aging were present to address questions of the Board regarding a proposal to establish public transportation in Middlesex through the Bay Transit program. An experimental grant from the State, due in March, would expire in September 2002. This grant would require a County match of \$4,300 to \$6,700, plus a \$2,500 contribution for a new bus. A federal grant would require a higher County match.

Sid Stallings and Ethel Musback of Hands Across Middlesex requested the Board's proceeding with the grant applications and requested that services be extended to outside the County.

Mrs. Weber made a motion to authorize Bay Transit's application for state aid on the County's behalf. Mr. Williams seconded this motion. Both the motion and second were withdrawn and the motion amended by Mrs. Weber to add that Bay Transit should also apply for the federal grant. The amended motion was seconded by Mr. Williams and carried unanimously.

The motion to encourage the securing of funds by Virginia's Secretaries of Health and Human Resources, Economic Development and Transportation for the continuation of the Bay Transit program was made by Mr. Williams, seconded by Mrs. Weber and carried unanimously.

**STORAGE BUILDING ROOF REPAIR**

The motion to appropriate the funds and approve the replacement of the roof and gutters on the storage building at the Cooks Corner Office Complex, at a bid price of \$3,135.00 by Platt's Construction Company was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously. One other bid of \$7,656.88 had been received from TriStar Builders of Virginia.

**AIRPORT - FORESTRY**

David Milby, Forester with the Department of Forestry, presented a forest management plan for the 34 acres of forested land located on the west side of Route 3 at Hummel Field. The properties were divided into three forest areas: A, B, and C. Parcel A contains approximately 11 acres of bottomland hardwood, 14 to 24". This parcel is made up of riparian areas that protect streams from sediment. This parcel was recommended to be retained in its present state to prevent erosion of the stream bank.

Parcel B, contains 16 acres of mature pine and hardwood, 60+ years old, with excellent quality loblolly pine and other trees of fair quality; growth rate <3% per year. The trees in this area are mature and very slow growing with the loblolly pines extremely valuable as sawtimber. Milby recommended the area be clear-cut and reforested to take advantage of the present value of the stand and maximize the future rate of return from the timberland.

Parcel C contains 7 acres of pine sawtimber, 45 to 50 years in age. The trees in this parcel are healthy and could be retained for several more years. They are mature and very slow growing with little potential for future increases in volume or value. Milby recommended harvesting and reforesting this parcel along with parcel B. If retained, the trees should be monitored at least once a year due to susceptibility to loss from insects or disease.

Board members suggested maintaining a buffer between Parcel B and the Perkinson property. Mr. Milby recommended against this because it would allow for a concentration of wildlife along the highway, and the trees left would be susceptible to wind, weather, insects and disease. Milby recommended doing nothing rather than leaving a buffer.

The Board requested the names of several forest consultants, who could cruise the property for approximately value and assist with finding buyers for the timber. Board members continued to express their concern with maintaining a pleasant looking buffer between the County's property and neighbors.

## **APPROPRIATION REQUESTS**

### ***Sheriff's Repair:***

The motion to approve the appropriation of insurance reimbursement for a damaged sheriff's vehicle was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously. TO: 4-1-31020-5408, \$1,217.90; FROM: 3-1-18030-0005, \$1,217.90.

### ***Septic System Repair:***

The motion to approve the appropriation of funds for the repair of the Courthouse Septic system was made by Mr. Williams, seconded by Mr. Crittenden and carried unanimously. TO: 4-1-43020-3004, \$15,052.50; FROM: 3-1-41060-0001, \$15,052.50. Expenditures from this account included \$1,960.00 for engineering services; \$4,560.00 for pumping and hauling of waste; and \$8,532.50 for trench work.

## **AIRPORT COMMITTEE**

### ***Appointments:***

At the last Airport Committee meeting, the Committee recommended that the Board of Supervisors add an at-large position to the Committee's membership, making

a total of 11 members – 3 from the Pinetop District, 3 from Saluda District, 2 from the Jamaica District and 3 at-large positions. The Committee also recommended that Jamie Barnhardt be placed in the new at-large position and Paige Hogge be appointed to fill the Jamaica seat, which became vacant as of September 1<sup>st</sup>. The motion to accept the Committee's recommendations was made by Mr. Crittenden, seconded by Mr. Jessie and carried unanimously.

## **CONSUMER UTILITY TAX**

It was explained that because of an error in a public notice, a second public hearing had to be conducted regarding the proposed amendment to the Consumer Utility Tax Ordinance. Mr. Miller opened the public hearing for comments. There being no comments from the public, the hearing was closed. The motion to ratify the amendments adopted on October 19<sup>th</sup>, and re-adopt the ordinance was made by Mrs. Weber, seconded by Mr. Jessie and carried unanimously.

### *UTILITY TAX ORDINANCE*

*With respect to the imposition of a tax on consumers of utility services provided by electric utility suppliers, Section 2 of the Utility Tax Ordinance is hereby amended and superceded by the following provisions to comply with the provisions of §58.1-3814 of the Code of Virginia providing that all such taxes are to be based on kilowatt hours (kwh) delivered including customer charges.*

### *AN ORDINANCE LEVYING A TAX ON PURCHASES OF UTILITY SERVICES, FIXING THE AMOUNT OF TAX, PROVIDING FOR ITS COLLECTION AND PRESCRIBING THE PENALTIES FOR THE VIOLATION OF THIS ORDINANCE*

*WHEREAS, in order to provide increased public revenues, and to the extent necessary revenues to be used for solid waste disposal, it is deemed necessary by the County of Middlesex, to levy a tax on purchases of utility services.*

*NOW, THEREFORE, BE IT ORDAINED BY THE MIDDLESEX COUNTY BOARD OF SUPERVISORS as follows:*

**Section 1.** *The following words and phrases when used in this ordinance shall for the purposes of this ordinance have the following respective meanings, except where the context clearly indicates a different meaning.*

- (a) *PERSON. The word "person" shall include individuals, firms, partnerships, associations, corporations and combinations of individuals of whatever form and character.*
  
- (b) *ELECTRIC SERVICE. The phrase "electric service" as used in this ordinance shall include electric, furnished within the boundaries of the County of Middlesex.*

- (c) *PURCHASER. The word "purchaser" shall include every person who purchases an electric service.*
- (d) *SELLER. The word "seller" shall include every person who sells or furnishes an electric service.*
- (e) *RESIDENTIAL USER. The term "residential user" shall mean the owner or tenant or private residential property or tenant of an apartment who pays for an electric service in or for said property.*
- (f) *COMMERCIAL OR INDUSTRIAL USER. The term "commercial" or industrial user" shall mean the owner or tenant of property used for commercial or industrial purposes, including the owner of master metered apartment buildings, who pays for an electric service for said property.*

**Section 2.** *Effective with the first bill for electric energy rendered for meter readings on or after January 1, 2001 the rate of tax on the electric energy delivered to an ultimate consumer shall be as follows:*

*Residential customers: \$0.014919 per kilowatt-hour (kwh) plus a minimum tax of \$1.40 per month with a maximum tax of \$2.00 per month.*

*Commercial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.*

*Industrial customers: \$0.003714 per kilowatt-hour (kwh) plus a minimum tax of \$0.57 per month with a maximum tax of \$2.50 per month.*

*Master-metered dwelling units including, but not limited to, apartments, condominiums, trailers, mobile homes and manufactured homes shall be taxed at the residential rate per unit per month.*

**Section 3.** *It shall be the duty of every seller in acting as the tax collecting medium or agency for the County of Middlesex to collect from the purchaser for the use of the County the tax hereby imposed and levied at the time of collecting the purchase price charged therefore and the taxes collected during each calendar month shall be reported by each seller, then the County Treasurer and each seller shall remit the amount of tax shown by said report to the County Treasurer on or before the last day of the second calendar month thereafter, together with the name and address of any purchaser who has refused to pay his tax. The tax levied or imposed under this ordinance with respect to the purchase of electric service shall become effective on bills rendered on meter readings taken on and after January 1, 2001, 12:01 A.M.*

**Section 4.** *Each and every seller shall keep complete records showing all purchases in the County of Middlesex, which records shall show the price charged against purchaser with respect to each purchase, the date thereof; and the date of payment thereof, and the amount of tax imposed hereunder, and each record shall be kept open for inspection by the duly authorized agents of the County of Middlesex at reasonable times, and the duly authorized agents of the County shall have the right, power and authority to make such transcripts thereof during such times as they may desire.*

**Section 5.** *Where the tax here levied is collected by the seller in acting as the tax collecting medium or agency for the County of Middlesex and remitted by the seller to the County, such seller shall be allowed, as compensation for the collection and remission of taxes, zero per centum (0%) of the amount of the tax collected in the form of a deduction in making payment.*

**Section 6.** *The United States of America, the State of Virginia, Churches, and the political subdivisions, boards, commissions and authorities thereof, are hereby exempted from the payment of the tax imposed and levied by this ordinance with respect to the purchase of utility services used by such governmental agencies*

**Section 7.** *Any purchaser failing, refusing or neglecting to pay the tax hereby imposed or levied and any seller violating the provisions hereof, and any officer, agent or employee of any seller violating the provisions hereof,*

*shall upon conviction, be subject to a fine or not more than One Hundred Dollars (\$100.00). Each failure, refusal, neglect or violation and each day's continuance thereof, shall constitute a separate offense.*

**Section 8.** *The tax levied or imposed under this ordinance shall become effective sixty days subsequent to written notice by certified mail to the registered agent of the utility corporation required to collect the tax.*

*This ordinance is effective upon its adoption.*

*Adopted by vote of the following members, following a public hearing conducted on Tuesday, November 7, 2000:*

<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Kenneth W. Williams</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>
<i>Fred S. Crittenden</i>	<i>aye</i>

## **FLEX BENEFITS**

The motion to adopt the following resolution, which will allow employees to purchase benefits at a pre-tax rate was made by Mr. Crittenden, seconded by Mrs. Weber and carried unanimously.

### **FLEXIBLE BENEFITS PLAN**

*The undersigned hereby certifies that the following described Resolution was officially and legally adopted at the duly authorized official meeting of the body with legal authority (hereafter "Authority") to pass said Resolution. Said meeting was held on the date set forth below.*

*WHEREAS, the Authority wishes to adopt a cafeteria plan within the context of Section 125 of the Internal Revenue Code for the benefit of the employer's eligible employees.*

*NOW, THEREFORE, BE IT RESOLVED, that the Authority hereby adopts the Flexible benefits Plan (consisting of the flexible benefits plan document, the Adoption Agreement, and component benefit plans and Policies) for the Employer named herein below effective as of the date specified in the Adoption Agreement.*

*RESOLVED FURTHER, that any officer of the employer may, without a further resolution, execute the Adoption Agreement and any related documents or amendments which may be necessary or appropriate to adopt the plan or maintain its compliance with applicable federal, state and local law.*

<i>Fred S. Crittenden</i>	<i>aye</i>
<i>Lenora O. Weber</i>	<i>aye</i>
<i>Kenneth W. Williams</i>	<i>aye</i>
<i>John D. Miller, Jr.</i>	<i>aye</i>
<i>Frank Jessie</i>	<i>aye</i>

**PROPOSED REGULATIONS – CHESAPEAKE BAY LOCAL ASSISTANCE DEPARTMENT (CBLAD)**

Mr. Wilson presented his opinion regarding several proposed changes being considered by the Chesapeake Bay Local Assistance Department (CBLAD). Mr. Wilson will be preparing a response to be presented as comments at future public hearings of CBLAD. Mr. Wilson also explained that a representative from CBLAD will be attending a local planner's meeting, and he wants to make sure he is correct in his interpretations before a written response is submitted.

**INMATE LABOR**

Mr. Jessie questioned why inmate labor was not being used more. Mr. Culley explained that he had met with Mr. Harmon, Superintendent of the Jail, and has been told that the County can use work release inmates on weekends with supervision and that some projects could be done with the road crew – inmates with guard. A list of projects has been presented to Mr. Harmon and Mr. Culley is looking into the possibility of using a part-time maintenance employee to supervise work release inmates on the weekend.

**COMPREHENSIVE PLAN**

The firm hired to update the County's Comprehensive Plan has just completed inputting the current plan into a computer. Maps are currently being updated and the company will meet with the Planning Commission at its' January meeting to discuss goals and objectives.

**RECESS AND RECONVENE FOR JOINT MEETING WITH SCHOOL BOARD**

Mr. Miller recessed the meeting in order for Board members to travel to the Cooks Corner Office Complex for a lunch work session with the School Board. Upon arrival at the CCOC, Mr. Miller reconvened the meeting of the Board of Supervisors. Mr. John Moore, Chairman of the School Board, called the School Board members to order. The following members of the School Board were present – Mr. Moore, Richard Shores, James Goforth, and Wayne Jessie; Randy Hester was absent. Other school staff, Superintendent Charles Lackey, Assistant Superintendent, Mike Myers, and Clerk, Jan Creekmore were also present.

The following subjects were discussed:

***Spring Sports, Gasoline:***

Mr. Moore commented on the rumor that there would be no spring sports because of fuel shortages. Mr. Moore assured the Board that that was not true;

however, the School Board would probably be coming to the Supervisors for an appropriation request to help cover encumbered costs for fuel oil and gasoline.

***Recruitment:***

School Board members discussed their continuing efforts to remain competitive in recruiting and maintaining teachers and administration.

***High School Renovation:***

Mr. Moore advised the Board of Supervisors that the decision had been made to construction the new addition on the front of the building versus the side, due to costs, function and access, and aesthetics. The new plan reduces the number of proposed new classrooms and renovates several existing classrooms. Moore noted that the School Board was trying to make the County's November 10<sup>th</sup> deadline for plan submittal and application for December hearings by the Planning Commission and Board of Supervisors. Submittal is dependent upon actual ownership of the property condemned for the new elementary school.

***Comments from Mr. Crittenden:***

Mr. Crittenden commented that he believed too many "good" kids were now going to private schools because of the lack of discipline and control at the high school, and the turnover in administration. Mr. Crittenden also expressed his disapproval with the School Board and Superintendent encouraging parents to request money from the Board of Supervisors for projects or positions that the School Board had not ranked high on a list of priorities for funding. Mr. Crittenden referred to the October 19<sup>th</sup> meeting of the Board of Supervisors and request from several parents regarding the Resource Officers position.

Mr. Crittenden requested an update on a request made several months previously regarding requiring students to maintain a 2.0 average for participation in extra curricular activities. Mr. Crittenden commented on his belief that the requirement would encourage students to improve academically.

***Comments from Mr. Shores:***

Mr. Shores reminded everyone that last year he had suggested the Board's getting together more often than just at budget time. Mr. Shores also noted that the Board's should have the same goals in mind and should make schools the center of the community.

Mr. Shores noted that in many cases, the parents want smaller classrooms and individual attention for their children and can afford to send them to private schools to get it. Mr. Shore suggested that more teachers were needed in order to create a smaller teacher to pupil ratio, and that discipline problems arise from large classes.

***Comments from Mr. Lackey:***

Mr. Lackey commented that he and Mr. Moore had attended a crisis management seminar held at the Regional Jail.

The High School Athletic Director is doing a fantastic job and raised \$4,700 in a recent golf tournament.

The School Board was studying the possibility of requiring a 2.0 average for participation in extra curricular activities.

***Comments from Mr. Jessie:***

Mr. Jessie questioned the possibility of creating a building trades school, as 90% of building permits are issued to contractors outside of the County.

**COURTHOUSE ARCHITECTS**

The Board met with Bob Mayberry and Bernard Mazanec, representatives of Wiley & Wilson, the architectural firm hired by the Board to perform a courts' needs assessment. Mr. Mayberry explained that he and Mr. Mazanec have conducted interviews with the judges, clerks, sheriff, magistrate and commonwealth's attorney, who work in the courthouse facility; have looked at data that is available on the existing buildings; and have looked at adjacent properties. The firm will compile the data and look at how large a facility is needed, apply this size to the various sites, prepare cost estimates and make a final presentation to the Board of Supervisors, hopefully by December 31<sup>st</sup>.

The firm was also requested to consider an addition to the existing facility, with the possibility of abandoning the state maintained road behind the courthouse complex.

**ADJOURN**

The motion to adjourn was made by Mr. Crittenden, seconded by Mr. Williams and carried unanimously. The next regular meeting of the Board of Supervisors was scheduled for Tuesday, November 21, 2000, at 7:30 P.M.

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John D. Miller, Jr., Chairman  
Board of Supervisors